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MEETING MINUTES

Tuesday, January 6, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI

Members Present:	*Michelo Alioto-Pier, David Campos, Carmen Chu, Chris Daly, Bevon Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll all Supervisors were noted present.

(The district eleven Supervisor's seat is currently vacant)

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of November 25, 2008. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

COMMUNICATIONS

Former Supervisor Gerardo Sandovol was sworn in as Judge to the Superior Court of California on January 5, 2009 which has left a vacancy in district eleven.

The Board of Supervisors is in receipt of a letter dated December 19, 200B, communicating the Mayor's veto of File No. 081088 which would require conditional use authorization for any elimination of dwelling units through mergers, conversions, or demolitions of existing dwellings units. The Board must act on the veto within 30 days of the date of the veto, being January 18, 2009. Therefore it is Item #17 on today's agenda.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081522 **[Appropriating $136,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for Fiscal Year 2008-2009]** Mayor

Ordinance appropriating $136,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

Enacted Number: 4-09

FINALLY PASSED

081523 **[General Obligation Bond Short-Term Indebtedness]** **Mayor**

Ordinance amending the San Francisco Administrative Code by adding Article 43.11, Sections 43.11.1 through 43.11.5, to authorize the issuance of short-term indebtedness in anticipation of the issuance of general obligation bonds authorized by the voters.

(Fiscal Impact.)

Enacted Number: 5-09
FINALLY PASSED

081507 **[Accept-Expend Federal Grant and amend Annual Salary Ordinance, FY 2008-2009 $1,024,467.00]** **Supervisor Elsbernd**

Ordinance authorizing the Police Department to retroactively accept and expend grant funding in the amount of $1,024,467.00 from the National Institute of Justice for a program entitled "NIJ's 2008 Forensic DNA Unit Efficiency Improvement Program," and amending the Annual Salary Ordinance to create grant-funded positions.

Enacted Number: 7-09
FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

081124 **[Prohibiting advertisements for alcoholic beverages on City property]** **Supervisors Mirkarimi, McGoldrick**

Ordinance amending the San Francisco Administrative Code by amending Section 4.20, to prohibit advertisements for alcoholic beverages on City property.

Enacted Number: 13-09
FINALLY PASSED

081508 **[Funds to support public health emergency preparedness - $460,396]** **Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $460,396 from the California Department of Public Health (CDPH) Emergency Preparedness Office, to fund the Hospital Preparedness Program; for the period of August 9, 2008 through August 8, 2009.

Enacted Number: 5-09
ADOPTED

081559 **[Accept-Expend Federal grant funds - Department of Public Works - $1,475,675]** **Supervisor Elsbernd**

Resolution authorizing the Department of Public Works to accept and expend a grant in the amount of $1,475,675 from the U.S. Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Discretionary Grants Program.

Enacted Number: 6-09
ADOPTED

081506 **[State grants to fund agricultural projects - $17,672.98]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend three grants with a total amount of $17,672.98, from the California Department of Food and Agriculture (CDFA); with retroactive approval to accept and expend two of these grants (Agreements #08-0507 and #08-0415) totaling $914 98, for the period of July 1, 2008 through June 30, 2009, and approval to accept and expend a third grant (Agreement #08-0345) in the amount of $16,758.00 for the period of January 1, 2009 through December 31, 2009.

Enacted Number: 9-09
ADOPTED

Recommendations of the Government Audit and Oversight Committee

081452 **["Know your rights" brochure for towing]** **Supervisor Peskin**

Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow car firms to display "Know Your Rights When Your Car is Towed from Private Property" brochure and setting administrative penalties.

Enacted Number: 11-09
FINALLY PASSED

081514 **[Appropriating $45,000,000 of Certificates of Participation Revenue for the Moscone Center Improvement Project in the Office of the City Administrator for Fiscal Year 2008-2009]** **Supervisor Peskin**

Ordinance appropriating $45,000,000 of San Francisco Certificates of Participation (COPs) Series 2009B to fund the Moscone Center Improvement Project in the General Services Agency - Office of the City Administrator for Fiscal Year 2008-2009 and placing these funds on Controller's Reserve pending issuance of the COPs.

(Fiscal Impact.)

Enacted Number: 6-09
FINALLY PASSED

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081510 **[Accept and Expend Grant - Juvenile Accountability Block Grant - $200,000]** **Supervisor Maxwell**

Resolution authorizing the Mayor's Office of Community Investment (MOCI) to accept and expend a grant in the amount of $200,000 from the State Corrections Standards Authority for the purpose of strengthening existing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

Enacted Number: 1-09

ADOPTED

Recommendations of the Land Use and Economic Development Committee

080872 **[Planning - Union Street Neighborhood Commercial District - Full-Service Restaurants]** **Supervisor Alioto-Pier**

Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Enacted Number: 8-09

FINALLY PASSED

081372 **[Mission Bay North-Park Parcels NP3, NP4 and NP5 Improvements]** **Supervisor Daly**

Ordinance designating a portion of State Trust Parcel 1, lying next to the Mission Creek Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the irrevocable offer for the acquisition facilities; designating said facilities as public open space and for park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,882; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Enacted Number: 10-09

FINALLY PASSED

081564 **[Administrative Code - Amendment to Large Tourist Hotel Conversion Ordinance]** **Supervisor Peskin**

Ordinance amending Administrative Code Chapter 41F to clarify the scope and implementation of the Large Tourist Hotel Conversion Ordinance, including minor edits to the definition of "Convert" and additional guidance regarding the conversion process for Large Tourist Hotel Rooms, and making required findings.

Enacted Number: 14-09

FINALLY PASSED

Recommendations of the Rules Committee

081477 **[Settlement of Lawsuit - Laurent Katgely, et al. v. CCSF, et al. (C. Spencer) - $67,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Chez Spencer, a partnership, against the City and County of San Francisco for $67,000; the lawsuit was filed on December 8, 2004 in San Francisco Superior Court, Case No. 436942; entitled Laurent Katgely, et al. v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 1-09

FINALLY PASSED

081478 **[Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (IMG Home) - $500,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by IMG Home Corporation against the City and County of San Francisco for $500,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930, entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 2-09

FINALLY PASSED

081479 **[Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (N. Quimson) - $45,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Noreen Quimson against the City and County of San Francisco for $45,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 3-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

081088 **[Requirement of Conditional Use Authorization for any permit application to remove dwelling units]**

Ordinance amending the Planning Code by amending Section 317 to require Conditional Use Authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 19, 2008. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 18, 2009.

Continued on Overturn of Veto to January 13, 2009.

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED ON OVERTURN OF VETO. The motion carried by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

From the Clerk

081496 **[Adopting findings related to disapproving the categorical exemption issued for the 2626 Filbert Street project]**

Motion adopting findings related to disapproving the determination by the Planning Department that the 2626 Filbert Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Enacted Number: M09-10

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081467 **[Adopting findings related to disapproving the categorical exemption issued for the 2655 Scott Street project]**

Motion adopting findings related to disapproving the determination by the Planning Department that the 2655 Scott Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Enacted Number: M09-09

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

From the Board

081589 **[Eastern Neighborhoods Zoning Map - Height District for Mission Street theater properties]**

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009.

FINALLY PASSED by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendation of the Budget and Finance Committee

081440 **[De-Appropriating $998,145 of General Fund and $761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]** **Supervisor Daly**

Ordinance de-appropriating $998,145 of General Fund in the Mayor's Office of Community Justice and $761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009. (Fiscal Impact.) (Supervisor Elsbernd dissented in committee.)

FINALLY PASSED by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendations of the Government Audit and Oversight Committee

081450 **[Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and Transfer Tax Review Board]**

Ordinance amending Sections 1106, 1108, 1108.4,1115, 1115.1 and 1115.3 and deleting Sections 1109, and 111[illegible] of Article [illegible] of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankrupt[illegible] with references to current laws; (3) conform rule for partnership interest transfers to state law changes, (4) eliminate obsolete provisions regarding documentary tax stamps; and (5) eliminate Transfer Tax Board of Review and references to that Board.

Enacted Number: 20-09

FINALLY PASSED by the following vote:

Ayes: 6 - Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Campos, Chu, Dufty

Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Ordinance be PREVIOUS VOTE RESCINDED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Daly, Maxwell

Continued to January 13, 2009.

CONTINUED ON FINAL PASSAGE by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081451 **[Property Tax Refund Claim Processing]** **Supervisor Peskin**

Ordinance to amend Administrative Code Section 10.2 to delegate to City Attorney the authority to grant or deny property tax refund claims and to establish administrative rules and procedures for City Attorney to follow.

Enacted Number: 12-09

FINALLY PASSED by the following vote:

Ayes: 8 - Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Dufty

Recommendation of the Land Use and Economic Development Committee

081125 **[Promoting and Sustaining Music and Culture in San Francisco]** **Supervisors Mirkarimi, Maxwell**

Ordinance adding Chapter 90A to the San Francisco Administrative Code to establish a music and culture sustainability policy for City government; provide for development by the Entertainment Commission of a proposal for an on-line permitting system for entertainment-related permits, licenses, and determinations; provide for review by the Entertainment Commission of new criteria for entertainment related permits, licenses, and determinations; establish a process coordinated by the Entertainment Commission for reviewing and possibly revising City Codes to conform to and implementthe music and culture sustainability policy; urge the Planning Commission to consider amending the General Plan to conform to and implementthat policy; and provide for an annual hearing by the Entertainment Commission to review and make recommendations relating to implementation of that policy.

Enacted Number: 9-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081442 **[Appropriating $500,000 of Revenue from PGA Tournament Agreement for Harding Park PGA Related Improvements for the Recreation and Park Department in Fiscal Year 2008-2009]** **Supervisor Elsbernd**

Ordinance appropriating $500,000 of Revenue from the Professional Golf Association (PGA) Tournament Agreement for staffing and improvements to the Harding Park Golf Course per the PGA Tournament Agreement at the Recreation and Park Department for Fiscal Year 2008-2009.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081388 **[Emergency contract to replace the stator core in Kirkwood Powerhouse generator number 1, designated "KPH1" - Not to Exceed $1,327,531]**

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace the stator core in the Kirkwood Powerhouse generator number 1, designated "KPH1." (Public Utilities Commission)

Enacted Number: 8-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081454 **[Approving Central Subway Partnership Contract - Not to Exceed $147,375,171]**

Resolution approving Municipal Transportation Agency Contract No. CS-149, Program Management and Construction Management Services for the Central Subway Project with Central Subway Partnership, A Joint Venture of AECOM USA, Inc. and EPC Consultants [illegible] an amount not to exceed $147,375,171 for a term not to exceed five years with an option to extend the term an additional five years. (Municipal Transportation Agency)

(Fiscal Impact.)

Enacted Number: 3-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081485 **[WSIP Agreement No. CS-765, Parsons Water and Infrastructure]**

Resolution approving Amendment No. 2 to Agreement No. CS-765, San Francisco Water System Improvement Program - Program/Project/Pre-Construction Management Services with Parsons Water and Infrastructure. (Public Utilities Commission)

Enacted Number: 15-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Recommendations of the City Operations and Neighborhood Services Committee

081357 **[Liquor license transfer - 2200 Mission Street]**

Resolution determining that the transfer of a Type 21 off-sale general license from 2767 Lombard Street to 2200 Mission Street (District 9), to Howard Ngo for Duc Loi Supermarket, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 10-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081378 **[Liquor license transfer - 201 Harrison Street, Suite C]**

Resolution determining that the transfer of a Type 21 off-sale general license from 433 Precita Avenue to 201 Harrison Street, Suite C (District 6), to Najwa Osama Habash and Osama Khalil Habash for Main Market Liquor & Deli, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 11-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081455 **[Liquor license transfer - 2200 Jerrold Avenue]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 236 8th Street to 2200 Jerrold Avenue (District 10), to Nelly Ghassan for The Gifted Basket, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 12-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

From the City Operations and Neighborhood Services Committee Without Recommendation

081358 **[Liquor license transfer, 115 Mason Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 232 O'Farrell Street to 115 Mason Street (District 6), to John D. Smith for Union Square Sports Bar Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 232 O'Farrell Street to 115 Mason Street (District 6), to John D. Smith for Union Square Sports Bar Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Supervisor Daly request that the question be divided.

Adoption of the resolution with all of the Police Department's conditions except for the following: 1) Loitering is prohibited on any sidewalks or property ajacent to the licensed premised; 2) The premises shall maintain at least two surveillance cameras at all times when open to the public; 3) During all hours that the premises are open to the public a security guard shall be on site.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Adoption of the resolution with the following Police Department's conditions: 1) Loitering is prohibited on any sidewalks or property ajacent to the licensed premised; 2) The premises shall maintain at least two surveil;ance cameras at all times when open to the public, 3) During all hours that the premises are open to the public a security guard shall be on site.

ADOPTED by the following vote:

Ayes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi
Noes: 3 - Campos, Daly, Peskin

Recommendations of the Land Use and Economic Development Committee

070546 **[Zoning Map Amendment - Northwest corner of Divisadero and O'Farrell Streets, Block 1098, Lot 9]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Planning Code by amending Sectional Map 2 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District, adopting findings including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

080126 **[Planning Code-Amending Article 11 Designation of 545-547 Mission Street]** **Supervisor Maxwell**

Ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081275 **[Summary Vacation of Stevenson Street east of 10th Street]**

Ordinance ordering the summary vacation of a portion of Stevenson Street east of 10th Street; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance. (Real Estate Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Daly introduced, welcomed, and presented a Certificate of Honor to Rochel Redondiez, aide to Supervisor Daly, in recongnition of her dedicated work to the City and County of San Francisco.

Supervisors Peskin, Alioto-Pier, Campos, Daly, Dufty, Elsbernd, Chu, Maxwell, and Mirkarimi recognized and congratulated Supervisor McGoldrick for his past 8 years of service as a Member of the Board of Supervisors.

Supervisors Daly, Alioto-Pier, Campos, Dufty, Elsbernd, Chu, Maxwell, McGoldrick and Mirkarimi recognized and congratulated President Peskin for his past 8 years of service as a Member of the Board of Supervisors.

Angela Calvillo, Clerk of the Board, presented a plaque to President Peskin commemorating his last two years holding the Office of President of the Board of Supervisors.

090006 **[Commending Supervisor Jake McGoldrick]** **Supervisor Peskin**

Resolution Commending and Honoring Supervisor Jake McGoldrick for his distinguished service as a Supervisor of the City and County of San Francisco.

Presented in Board but no action taken on Resolution.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

090005 **[Commending Supervisor Aaron Peskin]** **Supervisor Daly**

Resolution commending and honoring Aaron Peskin for his distinguished service as President and member of the San Francisco Board of Supervisors.

Presented in Board but no action was taken on Resolution.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

SPECIAL ORDER 4:00 P.M.

081420 **[Public Hearing - Conditional Use Appeal for 299 Valencia Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17739 dated November 6, 2008, relating to the approval of a Conditional Use Authorization (Case No. 2006.0432CV), under Planning Code Sections 121.1, 151.1 and 303 to allow a large-lot mixed-use development providing up to 25 off-street residential parking spaces and 2 car share spaces in an NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) Zoning District and a 50-X Height and Bulk District on property located at 299 Valencia Street, Lot 014 in Assessor's Block No. 3532. (Filed by Jason Henderson on behalf of the Hayes Valley Neighborhood Association and subscribed by Supervisors Peskin, Ammiano, Maxwell, Daly and Mirkarimi; District 6.)

(Filed 11/14/08; Companion Measure to 081421, 081422, 081423.)

The president inquired as to whether any member of the public wished to address the Board.

Jason Henderson, appellant

Silvia Johnson

Continued to January 13, 2009.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Dufty

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081421 **[Approving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]**

Motion approving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to January 13, 2009.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Dufty

081422 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street. (Clerk of the Board)

Continued to January 13, 2009.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Dufty

081423 **[Preparation of findings related to the Conditional Use Appeal for 299 Valencia Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.0432CV on property located at 299 Valencia Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to January 13, 2009.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Dufty

COMMITTEE REPORTS

081505 **[Continuation of existing taxi fares and gate fee cap]** **Supervisor Daly**

Ordinance amending Section 1137 of the Police Code to maintain current taxi fares and gate fee cap.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081541 **[Appointment, Historical Preservation Commission - Karl Hasz]**

Motion approving the Mayor's nomination for appointment of Karl Hasz to the Historical Preservation Commission, Seat No. 6, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081542. Transmittal date - December 4, 2008.)

Enacted Number: M09-08

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081609 **[Appointment, Historical Preservation Commission - Alan Martinez]**

Motion approving the Mayor's nomination for appointment of Alan Martinez to the Historical Preservation Commission, Seat No. 1, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081610. Transmittal date - December 4, 2008.)

Enacted Number: M09-07

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081615 **[Appointment, Small Business Commission - Kathleen Dooley]**

Motion appointing Kathleen Dooley, term ending January 6, 2010, to the Small Business Commission.

Vacant seat, succeeding David Chiu, seat 2, resigned, must be appointed by the Board of Supervisors and be an owner, operator, or officer of a San Francisco small business, for the unexpired portion of a four-year term ending January 6, 2010

Enacted Number: M09-06

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081549 **[Appointment, Historical Preservation Commission - Charles Chase]**

Motion approving the Mayor's nomination for appointment of Charles Chase to the Historical Preservation Commission, Seat No. 1, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081550. Transmittal date - December 4, 2008.)

Enacted Number: M09-05

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

090001 **[Appointment, Historical Preservation Commission - Courtney Damkroger]**

Motion approving the Mayor's nomination for appointment of Courtney Damkroger to the Historical Preservation Commission, Seat No. 5, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090004. Transmittal date - December 24, 2008.)

Enacted Number: M09-04

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Male speaker; expressed congratulations to the various outgoing Supervisors

Abdullah Megaheed; expressed concern with various issues

James Chaffee; expressed concern with issues relating to the SF Public Library

Male speaker; expressed concern with various issues

Wayne Harman; expressed concern with issues related to the Sunshine Ordinance

Seldon Amanay; expressed concern with issues related to clean and safe streets

Male speaker; expressed concern with issues related to the homeless

Ernestine Weiss; expressed concern with issues related to renaming of Ferry Park and the reputation of former Supervisor Sue Bierman

Jesus; expressed concern with various issues

Sue Hestor; expressed concern with issues related to equipment in the Board Chamber

Male speaker; expressed concern with issues related to public access channels

Mark Bitner; expressed concern with issues related to Parrots of Telegraph Hill

Male speaker; expressed concern with issues related to free speech and public comment

Brian Flynn; expressed concern with issues related to the performance of Supervisors

Miguel Homes; expressed concern with issues related to unemployment

Joe O'Donaghue; expressed congratulations to the various outgoing Supervisors

Lloyd Tebold; expressed concern with issues related to unemployment

Judy Irvine; expressed congratulations to various outgoing Supervisors

Ms. Crowley; expressed congratulations to various outgoing Supervisors

Mr. Holley; expressed congratulations to various outgoing Supervisors

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081606 **[Accept-Expend Federal Grant for Oil Spill Response Planning - $30,965]** **Supervisor Chu**

Resolution authorizing the Department of Emergency Management (DEM) to accept and expend retroactively a grant in the amount of $30,965 from the California Department of Fish and Game for oil spill response planning, for the period July 1, 2008 through June 30, 2009.

Enacted Number: 16-09

ADOPTED

081607 **[Accept and Expend State Grant - Port of San Francisco - $15,000]** **Supervisor Maxwell**

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $15,000 from the California Department of Boating and Waterways, Abandoned Watercraft Abatement Fund for removal and demolition of abandoned recreational watercraft on the Port's waterfront.

Enacted Number: 14-09

ADOPTED

081580 **[Commending San Francisco State University President Robert A. Corrigan]** **Supervisors Peskin, Elsbernd**

Resolution commending Robert A. Corrigan for twenty years of remarkable service as President of San Francisco State University.

Supervisor Elsbernd requested to be added as a co-sponsor.

Enacted Number: 2-09

ADOPTED

081582 **[Adopting findings related to San Francisco Public Utilities Commission Water Treatment Facility and Water Quality Improvements projects in San Joaquin County]** **Supervisor Elsbernd**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program and a statement of overriding considerations related to the funding of the San Joaquin Regional Water Quality Improvement Project at two sites in San Joaquin County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

Enacted Number: 4-09

ADOPTED

081613 **[City actions on expiration of Western Addition A-2 Redevelopment Plan]** **Supervisor Mirkarimi**

Resolution urging various City actions upon the expiration of the Western Addition A-2 Redevelopment Plan to insure a smooth transition from the Redevelopment Agency to the City's jurisdiction.

Enacted Number: 7-09

ADOPTED

081539 **[Final Map - 1536 Pacific Avenue]**

Motion approving Final Map 4748, a 6 Unit Residential and 1 Unit Commercial Mixed-Use Condominium Project, located at 1536 Pacific Avenue being a subdivision of Lot 006 in Assessor's Block No. 0573 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,972; District 3.)

Enacted Number: M09-03

APPROVED

081579 **[Final Map - 77 Van Ness Avenue]**

Motion approving Final Map 4182, a subdivision of 4 Airspace Parcels, Parcel "A" being a one lot subdivision for residential condominium purposes (50 units), Parcel "B" being a common area airspace parcel, Parcel "C" being a one lot subdivision for commercial condominium purposes (14 units), and Parcel "D" being a one lot subdivision for parking condominium purposes (58 parking spaces) Project, located at 77 Van Ness Avenue being a subdivision of Lot 022 in Assessors Block No. 0834 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,969; District 6.)

Enacted Number: M09-02

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Severed from For Adoption Without Committee Reference

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

Supervisor Campos Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Campos from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Campos

081608 **[Appointment to San Francisco Local Agency Formation Commission - Supervisor David Campos]** **Supervisor Mirkarimi**

Motion appointing Supervisor Campos for the unexpired portion of a four-year term ending February 20, 2011, to the San Francisco Local Agency Formation Commission.

Enacted Number: M09-01

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Campos

OFF-AGENDA LEGISLATION

Ordinances

090009 **[Modifying election procedures and deadlines for a June 2, 2009 election]**

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107, (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor has until February 7, 2009 to veto this legislation.

1/6/09, RECEIVED AND ASSIGNED to Rules Committee.

090013 **[Amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]**

Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.

(Fiscal Impact.)

1/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081565 **[Adopting a new Planning Code Article 10 and Article 11 and adding new Planning Code Section 176(f)]** **Supervisors Daly, Campos, Maxwell**

Ordinance rescinding Planning Code Article 10 in its entirety, rescinding Planning Code Article 11 in its entirety, and adopting a new Article 10 and Article 11 to implement the provisions of new San Francisco Charter Section 4.135; and adding new Planning Code Section 176(f).

12/9/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/8/2009.

12/19/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation.

12/24/08, RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060.

1/6/09, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

1/6/09, ASSIGNED to Land Use and Economic Development Committee.

Resolutions

090008 **[Public, Education and Government Cable Access System]** **Supervisor Mirkarimi**

Resolution requesting San Francisco's Congressional and State Legislative Delegations Reform Laws Governing use of Public, Education and Government Cable Access System Funds.

1/6/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090010 **[Calling a municipal special election for June 2, 2009]**

Resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

(Fiscal Impact.)

1/6/09, RECEIVED AND ASSIGNED to Rules Committee.

090011 **[Landmark Status - Interior of St. Brigid Church]**

Resolution initiating the interior designation of 2151 Van Ness Avenue, St. Brigid Church, Block 0575, Lot 015, appending City Landmark No. 252 to create an interior landmark pursuant to Section 1004.1 of the Planning Code.

1/6/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090012 **[Nominating Supervisor Mirkarimi for California Coastal Commission]**

Resolution nominating Supervisor Ross Mirkarimi for the North Coast Central seat on the California Coastal Commission

1/6/09, RECEIVED AND ASSIGNED to Rules Committee.

090014 **[Congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers]** **Supervisors Dufty, Elsbernd**

Resolution congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers.

1/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090015 **[Lee Mallory Day - January 10, 2009]**

Resolution declaring January 10th, 2009, as Lee Mallory Day in San Francisco.

1/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090016 **[Condemning recent acts of vandalism on Most Holy Redeemer Church]** **Supervisors Dufty, Campos, Elsbernd**

Resolution condemning recent acts of vandalism on Most Holy Redeemer Church.

1/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090017 **[Commending the success of the 2008 Emerald Bowl and the efforts of Gary Cavalli in directing this fantastic event]** **Supervisor Dufty**

Resolution commending the success of the 2008 Emerald Bowl and the efforts of Gary Cavalli in directing this fantastic event.

1/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090018 **[Urging Mayor Gavin Newsom and the San Francisco Public Utilities Commission to seek funds from President Elect Obama's economic stimulus and infrastructure package]** **Supervisors Dufty, Chu, Alioto-Pier, Campos**

Resolution urging Mayor Gavin Newsom and the San Francisco Public Utilities Commission to seek funds from President Elect Obama's economic stimulus and infrastructure package to continue San Francisco's utility undergrounding program.

1/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

090001 **[Appointment, Historical Preservation Commission - Courtney Damkroger]**

Motion approving the Mayor's nomination for appointment of Courtney Damkroger to the Historical Preservation Commission, Seat No. 5, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090004. Transmittal date - December 24, 2008.)

12/24/08, RECEIVED AND ASSIGNED to Rules Committee.

1/6/09, APPROVED.

090004 **[Appointment, Historical Preservation Commission - Courtney Damkroger]**

Motion rejecting the Mayor's nomination for appointment of Courtney Damkroger to the Historical Preservation Commission, Seat No. 5, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090001. Transmittal date - December 24, 2008.)

12/24/08, RECEIVED AND ASSIGNED to Rules Committee.

Charter Amendments

090007 **[Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]** **Supervisors Elsbernd, Chu**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.120 to require that one-time revenues be spent only for one-time uses, unless the Board of Supervisors appropriates the revenues for another purpose by a two-thirds' vote.

1/6/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/5/2009. 1/26/09, received legislative digest, 30-day Rule ends February 25, 2009.

PROPOSED ORDINANCES

081618 **[Settlement Of Lawsuit - Xiaomei Ma v. CCSF - $115,000]**

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for $115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco. (City Attorney)

12/29/08, RECEIVED AND ASSIGNED to Rules Committee.

081620 **[Zoning - Ordinance relating to the repair of inadvertent errors and omissions discovered in 2008]**

Ordinance amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Sections 504 and 503 of the Housing Code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend

Section 263.9 to properly reference Chart C instead of Chart B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections 816.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section [illegible], Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section [illegible], which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks, and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1. (Planning Department)

12/19/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

081581 **[Approval of Port Lease to Pilara Family Foundation Lease No. L-14144 at Pier 24 Annex]**

Resolution approving Port Commission Lease No. L-14144 with the Pilara Family Foundation, a Nevada Non-Profit Corporation ("Pilara") for certain real property located at Pier 24 Annex in the City and County of San Francisco. (Port)

12/17/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081586 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP)-funded Project No. CUW39101, Baden and San Pedro Valve Lots Improvements Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Baden and San Pedro Valve Lots Improvements Project, CUW39101 and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

12/24/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081587 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing - Discharge Channel Modifications Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Pulgas Balancing - Discharge Channel Modifications Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

12/24/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081617 **[Adopting findings related to San Francisco Public Utilities Commission Bay Division Pipelines Crossover Facilities Project in San Mateo and Santa Clara Counties]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Bay Division Pipelines 3 and 4 Crossover Facilities Project - CUW38001 at three sites in San Mateo and Santa Clara Counties, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

12/24/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081619 **[Airport Lease and Operating Agreement]**

Resolution approving the exercise of the third of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)

(Fiscal Impact.)

12/24/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti at the following private property locations:

99 Webster

295 Buchanan

55 Laguna, Haight Street side

841 Scott

399 Grove

502 Haight

597 Haight

1432 Haight

1501 Haight

546 Haight

542 Haight

588 Haight

630 Haight

799 Haight

839 Haight

507 Divisadero

901 Haight

930 Haight

959 Haight

1220 Haight

1317 Haight

1380 Haight

1432 Haight

1529 Haight

1540 Haight

1599 Haight

1636 Haight

250 Scott

216 Scott

523 Waller

201 Steiner (on the Waller side)

430 Fillmore

501 Fillmore

Sacred Heart Church on the 500 block of Fillmore

648 Fillmore

899 Fulton

910 Hayes

1310 Hayes

1379 Hayes

600 Irving (on the 7th Avenue side)

1330 9th Avenue

1310 9th Avenue

1312 9th Avenue

1307 9th Avenue

378 Fillmore

424 Haight

600 Page

448 Scott

261 Pierce

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the following locations:

Garbage Cans

Northwest corner of O'Farrell and Webster

Northwest corner of O'Farrell and Scott

Northeast corner of Buchanan and Haight

Northwest and Northeast corners of Fillmore and Haight

Northwest corner of Hayes and Scott

Northwest corner of Hayes and Broderick

Northeast corner of Hayes and Baker

Northeast corner of Hayes and Lyon

Northwest corner of Hayes and Central

Mailboxes

Linden, Haight, and Belvedere

Northwest and Northeast corners of Haight and Fillmore

Northwest corner of Divisadero and Oak

Northeast corner of Buchanan and Fell

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from utility poles at the following locations:

Pot Holes:

On Haight and Belvedere

1321 Fulton

Metal Poles:

Northeast corner of Waller and Pierce

Near 1534 Fulton

Southwest corner of Fulton and Webster

Northeast corner of Hayes and Steiner

Northeast corner of Hayes and Divisadero

Northwest corner of Fillmore and Haight (near Fillmore garbage can)

Northwest corner of Waller and Steiner

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of repairing potholes and removing graffiti from the following locations:

Potholes:

Sinkhole on Waller and Fillmore (on the westside of Waller street near crosswalk) This has been fixed two times and the problem is getting worse

484 Waller

Garbage Cans:

Northeast corner of Grove and Buchanan

Northeast corner of Scott and Waller

Northeast corner of Haight and Fillmore

Northeast corner of Haight and Buchanan

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report an the status of removing graffiti from the public property at the following locations:

Utility Boxes:

Southwest corner of Golden Gate and Pierce

Near 1635 Fulton

Northwest corner of Pierce and Webster

Northeast corner of Fulton and Oak

Southeast corner of Fell and Buchanan

Northwest corner of Webster and Golden Gate

Northwest corner of Webster and Fulton

Northwest corner of Webster and Grove

South side of Fell and Schrader

Bus Shelters:

Southeast corner of Haight and Buchanan

500 block of Fillmore

All bus shelters on Haight and Fillmore need power washing and graffiti removal

Southwest corner of Hayes and Baker

Emergency Boxes:

Northeast corner of Golden Gate and Scott

Southwest corner of Fillmore and Grove

Northwest corner of Fillmore and Fell

Northwest corner of Central and Page

Southeast corner of Steiner and Page

Fire Hydrant:

Northeast corner of Broderick and Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore and Post

Southwest corner of Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 9th Avenue

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

San Francisco Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough

Southeast corner of Fillmore and Haight

SF Weekly

Southeast corner of Masonic and Haight

Southeast corner of Haight and Fillmore

In Memoriams

Victor Keyak - Supervisor Chu

John Farnham - Supervisor Chu

Shirley Jane Aguerre - Supervisor Dufty

Evelyn Ellen Lynch - Supervisor Elsbernd

Kheak Ying Taing - Supervisor Peskin

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:48 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on February 17, 2009.

Meeting Procedures

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January 08, 2009

City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES

Thursday, January 8, 2009
12:00 PM
Legislative Chamber - Second Floor
Inaugural Meeting

Board of Supervisors

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, DAVID CHIU, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, David Campos, Carmen Chu, David Chiu, Bevan Dufty, Sean Elsbernd Sophie Maxwell, Eric Mar, Ross Mirkarimi, John Avalos, Chris Daly.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL

The meeting was called to order at 2:05 p.m. On the call of the roll all Supervisors were noted present.

PLEDGE OF ALLEGIANCE

COMMUNICATIONS

Angela Calvillo, Clerk of the Board informed the Board members that she had received a communication from the Director of Elections certifying the candidates who received a majority of the votes cast at the November 4, 2008 Election who therefore, have been declared elected to that office, namely:

Eric Mar, District 1

David Chiu, District 3

Carmen Chu, District 4

Ross Mirkarimi, District 5

Sean Elsbernd, District 7

OATH OF OFFICE

Angela Calvillo, Clerk of the Board introduced the Honorable James McBride, Presiding Judge, San Francisco Superior Court and requested the members to stand, whereupon Judge McBride administered the oath of office.

ELECTION OF THE PRESIDENT OF THE BOARD

NOMINATIONS

Supervisor Daly nominated Supervisor Daly.

Supevisor Dufty nominated Supervisor Maxwell.

Supervisor Campos nominated Supervisor Mirkarimi.

Supervisor Chiu nominated Supervisor Avalos.

Supervisor Avalos nominated Supervisor Chiu.

The Clerk of the Board asked if there were any further nominations.

There being no response, the nominations for Board President were then closed.

PUBLIC COMMENT

The Clerk of the Board asked if there was anyone present who wished to address the question of the nomination of the President of the Board of Supervisors.

Members of the public indicated their support of the individual nominees.

SELECTION OF THE BOARD PRESIDENT

The roll was called on the nominations of Supervisors Avalos, Chiu, Daly, Maxwell and Mirkarimi.

Round 1 - Motion to elect Board President failed by the following vote:
Avalos 2 - Avalos, Daly
Chiu
Daly
Maxwell 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Mirkarimi 4- Campos, Chiu, Mar, Mirkarimi

Round 2 Motion to elect Board President failed by the following vote:
Avalos 4 - Avalos, Chiu, Daly, Mar
Chiu
Daly
Maxwell 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Mirkarimi 2- Campos, Mirkarimi

Round 3 Motion to elect Board President failed by the following vote:
Avalos 4 - Avalos, Chiu, Daly, Mar
Chiu
Daly
Maxwell 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Mirkarimi 2- Campos, Mirkarimi

Round 4 Motion to elect Board President failed by the following vote:
Avalos 3 - Avalos, Chiu, Daly
Chiu 1 - Mar
Daly
Maxwell 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Mirkarimi 2- Campos, Mirkarimi

Round 5 Motion to elect Board President failed by the following vote:
Avalos
Chiu 4 - Avalos, Campos, Chiu, Mar
Daly 1- Daly
Maxwell 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Mirkarimi 1- Mirkarimi

Round 6 Motion to elect Board President failed by the following vote:
Avalos
Chiu 4 - Avalos, Campos, Chiu, Mar
Daly 1- Daly
Maxwell 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Mirkarimi 1- Mirkarimi

Supervisor Avalos withdrew his name from nomination for President of the Board of Supervisors.

Round 7 Motion to elect Board President was passed by the following vote:
Avalos
Chiu 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Daly
Maxwell 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Mirkarimi

PRESIDENT ASSUMES THE CHAIR

President Chiu designated Supervisors Avalos and Chiu to escort him to the President's Chair.

REMARKS FROM MAYOR

The Honorable Mayor Gavin Newson addressed the Board members and congratulated the newly elected and re-elected members of the Board of Supervisors. The Mayor stated he was looking forward to working with the members of the Board of Supervisors in addressing the financial issues facing the City and County of San Francisco.

REMARKS FROM BOARD MEMBERS

Each member of the Board of Supervisors was called and afforded an opportunity for brief remarks and for introduction of family members or guests in attendance.

REMARKS BY THE PRESIDENT OF THE BOARD

President acknowledged the presence of the following elected officials, representatives of elected officials and various City Department heads:

Mayor Gavin Newsom

Dennis Herrera, City Attorney

Horvey Rose, Budget Analyst

Ben Rosenfield, Controller

Steve Kawa, Chief of Staff to Mayor

Jos– Cisneros, Treasurer

Phil Ting, Assessor/Recorder

Michoel Hennessey, Sheriff

Komala Harris, District Attorney

Jeff Adochi, Public Defender

Joke McGoldrick, Past Member Board of Supervisor

Jackie Speier, Congresswomon

Mark Nagales, Field Rep. for Congresswomon Jockie Speier-Representing District 12

Evon Low, Vice Mayor of Campbell, Representing Assemblyman Poul Fong,

District 22

Nicole Rivera, Representative of Congresswoman Noncy Pelosi

Members of the Board of Education

Carlos Garcia, Superintendent, SF Unified School District

Kim Shree Maufas, Vice President

Jane Kim

Hydro Mendoza

Luis Herrera

President Chiu gave his commitment to working with the members of the Board of Supervisors, City Agency Departments and the public in addressing issues which impact the citizens of San Francisco.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 2:31 p.m.

Angela Colvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on February 17, 2009.

Meeting Procedures

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January 13, 2009

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MEETING MINUTES

Tuesday, January 13, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

081442 **[Appropriating $500,000 of Revenue from PGA Tournament Agreement for Harding Park PGA Related Improvements for the Recreation and Park Department in Fiscal Year 2008-2009]** **Supervisor Elsbernd**

Ordinance appropriating $500,000 of Revenue from the Professional Golf Association (PGA) Tournament Agreement for staffing and improvements to the Harding Park Golf Course per the PGA Tournament Agreement at the Recreation and Park Department for Fiscal Year 2008-2009.

(Fiscal Impact.)

Enacted Number: 15-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

070546 **[Zoning Map Amendment - Northwest corner of Divisadero and O'Farrell Streets, Block 1098, Lot 9]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Planning Code by amending Sectional Map 2 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District, adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

Enacted Number: 19-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

080126 **[Planning Code-Amending Article 11 Designation of 545-547 Mission Street]** **Supervisor Maxwell**

Ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

Enacted Number: 18-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081275 **[Summary Vacation of Stevenson Street east of 10th Street]**

Ordinance ordering the summary vacation of a portion of Stevenson Street east of 10th Street; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance. (Real Estate Department)

Enacted Number: 16-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

081505 **[Continuation of existing taxi fares and gate fee cap]** **Supervisor Daly**

Ordinance amending Section 1137 of the Police Code to maintain current taxi fares and gate fee cap.

Enacted Number: 17-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

081088 **[Requirement of Conditional Use Authorization for any permit application to remove dwelling units]**

Ordinance amending the Planning Code by amending Section 317 to require Conditional Use Authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 19, 2008. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 18, 2009.

Override of Mayor's Veto failed.

NOT OVERTURN MAYORAL VETO by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Maxwell, seconded by Supervisor Daly, moved to rescind the previous vote.

Motion to rescind the previous vote was passed without objection.

NOT OVERTURN MAYORAL VETO by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendation of the Government Audit and Oversight Committee

081450 **[Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and elimination of Transfer Tax Review Board, operative January 1, 2013]** **Supervisor Peskin**

Ordinance amending Sections 1106, 1108, 1108.4, 1113, 1115, 1115.1 and 1115.3, adding Section 1113.1, and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) refunds permissible without a claim; (45) eliminate obsolete provision regarding documentary tax stamps; and (56) eliminate Transfer Tax Board of Review and references to that Board.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending Sections 1106, 1108, 1108.4, 1113, 1115, 1115.1 and 1115.3, adding Section 1113.1, and deleting Sections 1104 and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date, (2) replace [illegible] bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership [illegible] changes; (4) refunds permissible without a claim; (45) eliminate obsolete provision regarding documentary tax stamps; and (6) eliminate Transfer Tax Board of Review and references to that Board, operative by January 1, 2013

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recess

The Board recessed at the hour of 3:33 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:02 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi - 11

SPECIAL ORDER 4:00 P.M.

081420 **[Public Hearing - Conditional Use Appeal for 299 Valencia Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17739 dated November 6, 2008, relating to the approval of a Conditional Use Authorization (Case No. 2006.0432CV), under Planning Code Sections 121.1, 151.1 and 303 to allow a large-lot mixed-use development providing up to 25 off-street residential parking spaces and 2 car share spaces in an NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) Zoning District and a 50-X Height and Bulk District on property located at 299 Valencia Street, Lot 014 in Assessor's Block No. 3532. (Filed by Jason Henderson on behalf of the Hayes Valley Neighborhood Association and subscribed by Supervisors Peskin, Ammiano, Maxwell, Daly and Mirkarimi; District 6.)

(Filed 11/14/08; Companion Measure to 081421, 081422, 081423.)

The President inquired as to whether any member of the public wished to address the Board members.

Jason Henderson, Appellant

Andy Thornton; support of the appellant

Carson Guthridge; support of the appellant

Tom Rudolvich; support of the appellant

Cheryl Brogman; support of the appellant

Male speaker; support of the appellant

Sue Vaughan; support of the appellant

Michael Puff; support of the appellant

Mark Solomon; support of the appellant

Mark Caswell; support of the appellant

Alex Martinez; support of the appellant

Robin Levitt; support of the appellant

Peter Cahan; support of the appellant

Ms. Creighton; support of the appellant

Edward Dougherty; support of the appellant

Edmund; support of the appellant

AnMarie Rodgers, Representative of the Planning Department, reviewed with the Board its recommendations

David Silverman; Representative for the project sponsor

Michael Levin; Architect for the project sponsor

Rachel Turner; support of the project sponsor

Appellant Rebuttal: Jason Henderson

The President declared the public hearing closed.

Heard at public hearing.

FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081421 **[Approving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]**

Motion approving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432C[illegible] on property located at 299 Valencia Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

081422 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081423 **[Preparation of findings related to the Conditional Use Appeal for 299 Valencia Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.0432CV on property located at 299 Valencia Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library

Eartha Maguire; expressed concern with issues relating to Department of Public Health budget reductions

Ray Hartz; expressed concern with issues relating to the time allotted for public comment requested that public be allowed 3 minutes

Male speaker; expressed concern with issues relating to immigrants and the Female speaker; expressed concern with issues relating to the reduction to the Department of Public Health budget reductions

Joann Bremmer; expressed concern with issues relating to the Department of Public Health budget reductions

Rachel Abdell; expressed concern with issues relating to the Department of Public Health budget reductions

Department of Public Health Nurse; expressed concern with issues relating to the Department of Public Health budget reductions

Robin Sayer; expressed concern with issues relating to the Department of Public Health budget reductions

Michael Lyons; expressed concern with issues relating to the Department of Public Health budget reductions

Abdullah Megahed; congratulated the newly elected members of the Board of Supervisors

Walter; shared in song various issues with the Board members

Bobby Lopes; expressed concern with issues relating to the Department of Public Health budget reductions

Brenda; expressed concern with issues relating to the Department of Public Health budget reductions

Male speaker; expressed concern with issues relating to the Department of Public Health budget reductions

Bill Kennedy; expressed concern with the Board members involvement in foreign affairs

Monique; expressed concern with issues relating to the Department of Public Health budget reductions

Female speaker; expressed concern with issues relating to the Department of Public Health budget reductions

Bob Westwood; expressed concern with issues relating to the Department of Public Health budget reductions

Shirley Chan; expressed concern with issues relating to the Department of Public Health budget reductions

Genilla; expressed concern with issues relating to the Department of Public Health budget reductions

Ms. Alexander; expressed concern with issues relating to the Department of Public Health budget reductions

Jennifer Freidenbach; expressed concern with issues relating to the Department of Public Health budget reductions

Peter Warfield; expressed concern with issues relating to the SF Public Library fees

Male speoker; expressed concern with issues relating to the Department of Public Health budget reductions

Jack Olsen; expressed concern with issues relating to the Department of Public Health budget reductions

Charles Rivera; expressed concern with issues relating to the Department of Public Health budget reductions

Robert Haaland; expressed concern with issues relating to the Department of Public Health budget reductions

Katherin Gudha; expressed concern with issues relating to the Department of Public Health budget reductions

Female speaker; expressed concern with issues relating to the Department of Public Health budget reductions
Edmond; congrotuloted the newly elected members of the Board of Supervisors

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions todoy. Any Supervisor moy require ony resolution to go to committee.

090014 **[Congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers]** **Supervisors Dufty, Elsbernd**

Resolution congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers.

Supervisor Elsbernd requested to be odded as a co-sponsor.

Enacted Number: 17-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090015 **[Lee Mallory Day - January 10, 2009]**

Resolution declaring January 10th, 2009, as Lee Mallory Day in San Francisco.

Enacted Number: 18-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090016 **[Condemning recent acts of vandalism on Most Holy Redeemer Church]** **Supervisors Dufty, Campos, Elsbernd**

Resolution condemning recent acts of vandalism on Most Holy Redeemer Church.

Supervisors Compos ond Elsbernd requested to be odded as co-sponsors.

Enacted Number: 19-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090017 **[Commending the success of the 2008 Emerald Bowl and the efforts of Gary Cavalli in directing this fantastic event]** **Supervisor Dufty**

Resolution commending the success of the 2008 Emerald Bowl and the efforts of Gary Cavalli in directing this fantastic event.

Enacted Number: 20-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090018 **[Urging Mayor Gavin Newsom and the San Francisco Public Utilities Commission to seek funds from President Elect Obama's economic stimulus and infrastructure package]** **Supervisors Dufty, Chu, Alioto-Pier, Campos**

Resolution urging Mayor Gavin Newsom and the San Francisco Public Utilities Commission to seek funds from President Elect Obama's economic stimulus and infrastructure package to continue San Francisco's utility undergrounding program.

Enacted Number: 21-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090024 **[Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax and extends the Program to June 2011]** **Supervisors Alioto-Pier, Dufty**

Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to $600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition, and extending the Film Rebate Program for two more years, until June 2011.

(Fiscal Impact.)

1/13/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2009.

090026 **[Building Code - Certificate of Occupancy Issued for Changes to an Existing Building]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that any certificate of occupancy for a building or structure that is issued subsequent to the first certificate of occupancy shall be an amended certificate of occupancy that includes a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued.

1/13/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2009.

Resolutions

090025 **[Accept-Expend federal grant funds to support HIV/AIDS services - $4,758,228]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a funding award entitled the Ryan White HIV/AIDS Treatment Modernization Act Grant (Ryan White Part A Program), in the amount of $4,758,228, for the San Francisco Eligible Metropolitan Area, from the Health Resources and Services Administration (HRSA), to support HIV/AIDS health services; for the period of February 1, 2009 through June 30, 2009.

1/13/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090027 **[Contract with Owners' Association for administration/management of Yerba Buena Community Benefit District]** **Mayor**

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Yerba Buena Community Benefit District," pursuant to Section 36651 of the California Streets and Highways Code.

1/13/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. 1/26/09 - Referred to the Small Business Commission for review and comment.

090028 **[Commending Winna Davis and her lifetime commitment in helping the children, youth, and families of San Francisco]** **Supervisor Dufty**

Resolution commending Winna Davis and her lifetime commitment in helping the children, youth, and families of San Francisco.

1/13/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090029 **[Reauthorization of Food Security Task Force]** **Supervisor Maxwell**

Resolution extending the sunset provisions of the Food Security Task Force to January 31, 2010.

1/13/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090030 **[Urging the Board of Directors of the Bay Area Rapid Transit District (BART) to establish an independent Civilian Oversight body to investigate claims of BART Police misconduct]** **Supervisors Campos, Mirkarimi, Maxwell, Dufty**

Resolution urging the BART Board of Directors to immediately establish an independent Civilian Oversight body to investigate claims of misconduct by the BART Police, and urging our State Representatives to pass legislation requiring that BART have independent third-party civilian oversight of its Police force.

1/13/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090031 **[Accept-Expend Grant - Office of the Public Defender - $50,000]** **Mayor, Supervisor Mirkarimi**

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of $50,000 from The San Francisco Foundation for consulting services to support the development of data collection tools and service standards in support of the new Reentry Council.

1/13/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearings

090020 **[Mayor's Office of Community Investments and Office of Economic Workforce Development Merger]** **Supervisor Avalos**

Hearing to consider the impacts on service delivery as a result of the merger of the Mayor's Office of Community Investments and Office of Economic Workforce Development.

1/13/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090021 **[Controller's Biannual and Monthly Overtime Report]** **Supervisor Avalos**

Hearing to consider the Controller's Biannual and Monthly Overtime Report.

1/13/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090022 **[Streamlining the regulation of small businesses]** **Supervisors Chiu, Chu, Maxwell**

Hearing on streamlining the regulation of small businesses: a review of the roles and responsibilities of the fifteen City departments that interface with small businesses, pursuant to Administrative Code Section 2A.241 as enacted by Proposition I in November 2007.

1/13/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090023 **[Public Health services mid-year cuts]** **Supervisor Daly**

Hearing to discuss mid-year cuts of public health services.

1/13/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090035 **[Annual Review and Approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines]**

Hearing to consider the annual review and approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines (Clerk of the Board)

1/13/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motions

090032 **[Board of Supervisors to sit as a Committee of the Whole - January 22, 2009, Special Election June, 2009]** **Supervisor Daly**

Motion that the Board convenes as a Committee of the Whole on January 22, 2009, to consider legislation related to a special election to be held in June, 2009.

1/13/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090033 **[Board of Supervisors to sit as a Committee of the Whole - January 22, 2009, Amendment to Annual Appropriation Ordinance]** **Supervisor Daly**

Motion that the Board convenes as a Committee of the Whole on January 22, 2009, to consider an amendment to the Annual Appropriation Ordinance and the Annual Salary Ordinance for fiscal Year 2008-2009.

1/13/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090034 **[Nominating Supervisor Mirkarimi for California Coastal Commission]** **Supervisor Chiu**

Motion nominating Supervisor Ross Mirkarimi for the North Coast Central seat on the California Coastal Commission.

1/13/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

PROPOSED RESOLUTIONS

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti at the following private property locations:

99 Webster

1605 Haight

208 Scott

253 Webster

605 Oak

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the following locations:

Garbage Cans

Northwest and Northeast corner of Haight and Fillmore

Northeast corner of Geary and Webster

Northwest corner of 9th Avenue and Lincoln

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of repairing potholes and removing graffiti from utility poles at the following locations:

Pot Holes:

On Geary near Post

Sinkhole on Waller and Fillmore (westside of Waller Street near crosswalk) This has been fixed two times and the problem is getting worse

484 Waller

Metal Poles:

Northwest corner of Haight and Fillmore

Northwest corner of Oak and Buchanan

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the following locations:

Garbage Cans:

Northeast corner of Grove and Buchanan

Northeast corner of Scott and Waller

Northeast corner of Haight and Fillmore

Northeast corner of Haight and Buchanan

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the public property at the following locations:

Utility Boxes:

Southeast corner of Stanyan and Oak

Southeast corner of Laguna and Haight

Southeast corner of Fillmore and Oak

Southeast corner of Oak and Schrader

North side of Buchanan and Lausant

Bus Shelters:

Southeast corner of Haight and Buchanan

All bus shelters on Haight and Fillmore need power washing and graffiti removal

South and North side of Stanyan and Haight

Emergency Boxes:

Northeast corner of Schrader and Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore and Post

Southwest corner of Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 9th Avenue

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

San Francisco Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough

Southeast corner of Fillmore and Haight

SF Weekly

Southeast corner of Masonic and Haight

Southeast corner of Haight and Fillmore

From: Supervisor Avalos
To: City Attorney

Requesting/Inquiring: Zoning to provide for a five foot special height exception on ground floor uses in NC-2 and NC-3 designated parcels along the Randolph Broad Corridor from 19th Avenue to San Jose Avenue.

From: Supervisor Avalos
To: Chief of Police, Police Department

Requesting/Inquiring: Statistics showing trends in violent crime over the past 12 months in District 11.

From: Supervisor Avalos
To: Director, Municipal Transportation Agency

Requesting/Inquiring: Inquiry regarding the total costs associated with the operation of MUNI's "Culture Bus" including, but not limited to, maintenance, staff salaries, operations and advertising costs. This report should also include revenue generated from the culture bus since its conception and operation by month.

In Memoriams

In Memoriams

Joseph Kozuch - Supervisor Chu

Stanley Sueton Tom - Supervisor Chu

Claire Bernie Roddy - Supervisor Elsbernd

Lazarus "Buddy" Pickett - Supervisor Mirkarimi

Vicki Lin Carey - Supervisor Avalos

Norvel Wells - Supervisor Avalos

Oscar J. Grant III - Supervisor Daly

Rabbi Alan Lew - Supervisors Dufty & Mar

Ruth Moskowitz - Supervisor Dufty

Ryosuke Yoshioka - Supervisor Mar

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:53 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 3, 2009.

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The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee. Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber. Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. USING LAPTOP COMPUTERS FOR PRESENTATIONS Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetingsFor information, call (415) 554-5184. Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-41B8.

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January 27, 2009

City and County of San Francisco
City Hall
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MEETING MINUTES
Tuesday, January 27, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the minutes of December 9, 2008 and December 16, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

AGENDA CHANGES

COMMUNICATIONS

The Acting Clerk of the Board informed the Board of Supervisors that the Clerk of the Board was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 081589 which would lower the height and bulk designation of two parcels from 85-X . (New Mission Theater and El Capitan Theater sites)

This matter will be considered at the February 3, 2009 Board meeting.

The Acting Clerk of the Board informed the Board of Supervisors that the Clerk of the Board was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 081440 which would de-appropriate $998,145 of General Fund in the Mayor's Office of Criminal Justice and $761,021 of Federal Direct Grant Revenue in the Department of Public Health.

This matter will be considered at the February 3, 2009 Board meeting.

CONSENT AGENDA

Recommendations of the Rules Committee

081395 **[Settlement of Lawsuit - Denise Caicedo - $47,500.00]**

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for $47,500.00; the lawsuit was filed on September 22, 2006 in Superior Court, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

081618 **[Settlement Of Lawsuit - Xiaomei Ma v. CCSF - $115,000]**

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for $115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

081363 **[Settlement of Unlitigated Tax-Related Matter with Internal Revenue Service]**

Resolution authorizing settlement of unlitigated tax-related matter with the Internal Revenue Service regarding potential tax liability. (City Attorney)

Enacted Number: 30-09

ADOPTED

081390 **[Appointments, Shelter Monitoring Committee - Rita P. Lark, Elihu Hernandez, Aubrey Moore, Ramses Teon-Nichols, Diana Greer and Amanda Thompson]**

Motion appointing Rita P. Lark, Elihu Hernandez, Aubrey Moore, Ramses Teon-Nichols, Diana Greer and Amanda Thompson, terms ending November 23, 2010, to the Shelter Monitoring Committee.

Rita P. Lark, new assignment, seat 1, must be homeless or formerly homeless within the 3 years prior to appointment and living with their homeless child under age 18, for two-year term ending November 23, 2010. Elihu Hernandez, new assignment, seat 2, must be homeless or formerly homeless within the 3 years prior to appointment with a disability, for two-year term ending November 23, 2010. Aubrey Moore, succeeding Chris Callandrillo, seat 3, term expired, must have experience providing direct services to the homeless through a community setting, for two-year term ending November 23, 2010. Ramses Teon-Nichols, succeeding Kim Clark, seat 4, term expired, must be selected from a list of candidates that are nominated by community agencies that provide behavioral health, housing placement, or other services to the homeless, for two-year term ending November 23, 2010. Diana Greer, succeeding Diana Greer, seat 5, term expired, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people and be homeless or formerly homeless, for two-year term ending November 23, 2010. Amanda Thompson, succeeding Damian Ochoa, seat 6, term expired, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people, for two-year term ending November 23, 2010.

Enacted Number: M09-16

APPROVED

081403 **[Appointments - Citizens General Obligation Bond Oversight Committee - Robert Muscat and Kristen Chu]**

Resolution appointing Robert Muscat and Kristen Chu, terms ending November 21, 2010, to the Citizens General Obligation Bond Oversight Committee.

Enacted Number: 29-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081430 **[Appointments, Children's Collaborative Task Force - Sharon Olken, Leslie Trook, Dr. Rondall Lane and Markus Hunt]**

Motion appointing Sharon Olken, Leslie Trook, Dr. Rondall Lane and Markus Hunt to the Children's Collaborative Task Force, residency requirement waived.

Sharon Olken, new appointment, seat 1, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes. Leslie Trook, new appointment, seat 2, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes. Dr. Rondall Lane, new appointment, seat 3, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes. Markus Hunt, new appointment, seat 10, must be a teacher and/or an education professional currently employed by a private school in San Francisco, for a two-year term commencing on the date the Task Force first convenes.

Enacted Number: M09-18

APPROVED

081481 **[Appointment, Pedestrian Safety Advisory Committee - Richard Rothman]**

Motion appointing Richard Rothman, term ending March 28, 2009, to the Pedestrian Safety Advisory Committee.

Richard Rothman succeeding Joy Oganeku, term expired, seat 3, must be a representative from senior or disability organizations, for term ending March 28, 2009.

Enacted Number: M09-17

APPROVED

081482 **[Appointment, Peak Oil Preparedness Task Force - Woody Hastings]**

Motion appointing Woody Hastings, term ending March 27, 2009, to the Peak Oil Preparedness Task Force.

Woody Hastings, succeeding Richard Katz, resigned, seat 2, must represent the public at-large, for unexpired portion of a one-year term expiring March 27, 2009.

Enacted Number: M09-19

APPROVED

081534 **[Appointments, Bicycle Advisory Committee - Richard Tilles, Jared Washkowitz and Elbert Hill]**

Motion appointing Richard Tilles, Jared Washkowitz and Elbert Hill, terms ending November 19, 2010, to the Bicycle Advisory Committee.

Richard Tilles succeeding himself, seat 2, term expired, must be nominee of District 2 Supervisor. The member shall serve a two-year term or for the tenure of the superivsor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010. Jared Washkowitz succeeding Lisa Estrella, seat 4, term expired, must be nominee of District 4 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010. Elbert Hill succeeding himself, seat 7, term expired, must be nominee of District 7 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010.

Enacted Number: M09-20

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

081450 **[Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and**

Ordinance amending Sections 1106, 1108, 1108.4, 1113, 1115, 1115.1 and 1115.3, adding Section 1113.1, and deleting Sections 1109 and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) refunds permissible without a claim; (5) eliminate obsolete provision regarding documentary tax stamps; and (6) eliminate Transfer Tax Board of Review and references to that Board, operative by January 1, 2013.

Enacted Number: 20-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081535 **[Waiver of Administrative Code Sections 6.40 and 6.41 to allow award of agreement for program construction management services without a competitive procurement process]**

Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Sections 6.40 and 6.41 to allow award of Agreement No. CS-963, Program Construction Management Services, without a competitive procurement process. (Public Utilities Commission)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

081536 **[WSIP Agreement No. CS-963, Program Construction Management Services - Not to Exceed $26,000,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the Water System Improvement Program-funded Agreement No. CS-963, Program Construction Management Services, with AECOM WATER, for an amount not to exceed $26,000,000 with a term of up to seven (7) years, pursuant to San Francisco Charter Section 9.118, if the Board of Supervisors has approved an ordinance waiving procurement requirements of San Francisco Administrative Code Sections 6.40 and 6.41, and the ordinance is effective. (Public Utilities Commission)

(Fiscal Impact.)

Continued to February 3, 2009

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081419 **[Amendment to a Contract with Stratus Technologies, Inc. to Extend the Term for More than Ten Years]**

Resolution retroactively authorizing the Department of Technology to enter into the Fifth, Sixth and Seventh Amendments of an agreement with Stratus Technologies, Inc., to extend the term of the agreement to fourteen years. (Department of Technology)

(Fiscal Impact.)

Enacted Number: 28-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081468 **[Emergency contract to design and install new, compliant emergency electrical generation system at San Francisco General Hospital]**

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to install a new, permanent emergency electrical generation system at San Francisco General Hospital. (Public Works Department)

(Fiscal Impact.)

Enacted Number: 22-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

081460 **[Proposed Contemporary Art Museum]** **Supervisor Alioto-Pier**

Resolution supporting the location of the proposed Contemporary Art Museum in the City and County of San Francisco.

Enacted Number: 34-09

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

081462 **[Liquor license transfer, 1957 Union Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 599 Clement Street to 1957 Union Street (District 2), to Melissa Gisler for Gusto Partners, LLC, dba Spuntino di Ottimista, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 27-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081586 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP)-funded Project No. CUW39101, Baden and San Pedro Valve Lots Improvements**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Baden and San Pedro Valve Lots Improvements Project, CUW39101 and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Enacted Number: 26-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081587 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing - Discharge Channel Modifications Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Pulgas Balancing - Discharge Channel Modifications Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Enacted Number: 25-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081617 **[Adopting findings related to San Francisco Public Utilities Commission Bay Division Pipelines Crossover Facilities Project in San Mateo and Santa Clara Counties]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Bay Division Pipelines 3 and 4 Crossover Facilities Project - CUW38001 at three sites in San Mateo and Santa Clara Counties, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Enacted Number: 23-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

081199 **[Medical Cannabis Act Revisions]** **Mayor**

Ordinance approving amendments to the Medical Cannabis Act to clarify that a medical cannabis dispensary shall be a cooperative or collective and shall operate as a non-profit.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081511 **[Reentry Council]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by modifying Section 5.1-3 to clarify that the Board of Supervisors could appoint four, rather than three, of the members of the Reentry Council who are former inmates, and to exempt all members of the Reentry Council from the requirement that they be electors of the City and County.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly Excused From Voting

Supervisor Dufty, seconded by Supervisor Chu, moved to excuse Supervisor Daly on the following item. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

090036 **[Appointment, Metropolitan Transportation Commission - Chris Daly]**

Motion appointing Supervisor Chris Daly, term ending February 10, 2011, to the Metropolitan Transportation Commission

Enacted Number: M09-12

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

Board of Supervisors Sitting As a Committee of the Whole

090039 **[Hearing - Emergency ordinance modifying procedures and deadlines for a June 2, 2009 election]**

Hearing to consider the possible adoption of an emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

The following speakers expressed concern over the modification to election procedures and calling for a special election for June 2, 2009.

John Bardis; mole speaker; Robert Hooland; Rob Block, SF Chomber of Commerce.

The President inquired as to whether ony member of the public wished to oddress the Boord members.

The President declared the public heoring closed.

FILED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090009 **[Modifying election procedures and deadlines for a June 2, 2009 election]**

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor has until February 7, 2009 to veto this legislation.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to further omend on page 1, line 23, after "conditions" by adding "and the City's structural budget deficit."

Motion to further omend was passed without objection.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to continue File No. 090009 as amended to Februory 3, 2009.

Motion to continue this motter to February 3, 2009 failed by the following vote:

Ayes: 3 - Alioto-Pier, Chu, Elsbernd

Noes: 8 - Avolos, Compos, Chiu, Doly, Dufty, Mor, Maxwell, Mirkarimi

Supervisor Doly move to duplicote the file. (See File No. 090106)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090106 **[Modifying election procedures and deadlines for a June 2, 2009 election]**

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107: (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

Continued to February 3, 2009 with the Board sitting as a Committee of the Whole.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FINAL PASSAGE. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

090040 **[Hearing - Resolution calling a municipal special election for June 2, 2009]**

Hearing to consider the possible adoption of a resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

The following speakers expressed concern over the modification to election procedures and calling for a special election for June 2, 2009.

John Bardis; male speaker; Robert Haaland; Rob Black, SF Chamber of Commerce.

The President inquired as to whether any member of the public wished to address the Board members.

The President declared the public hearing closed.

FILED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090010 **[Calling a municipal special election for June 2, 2009]**

Resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

(Fiscal Impact.)

Continued to February 3, 2009.

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090041 **[Hearing - Ordinance amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]**

Hearing to consider the possible adoption of an Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.

The following speakers expressed concern over the proposed mid-year budget FY 2008-09 adjustments/cuts to Health Services and other City Services:

Ms. Bowie; Abdullah Megaheed; female speaker; Carmen Henesey; Larry Nelson; Rachael Richman; Helen Rodriguez; Meg Barton; male speaker; Sister Elaine Jones; Marlina Blackins; Christopher Delenhop; Charles Begile; female speaker; Richard Rothman; Laura Guzman; Ms. Riley; Thomas Jenkins; Josh Bindings; Cynthia Citizen; Mr. Patella, SRO Collaborative; Ron Gouldman, N. Keaton, SF Symphony; Victoria Dolsta; Victoria Vkstolva; Ms. Thompson; Alexandra Deconte; Ireme Pang; Kye Sans, Michael Sanderson; Leng Quoke; Ms. Pung; Jennifer Friedenback; Mr. Perio; Rosario Thompson; Jeff Buckley; Kimo Leila; Bruce Fisher; Jennie Cris; Katie Riesinger; Bruce Ellison; male speaker; Michael; Leslie Harrison; male speaker; Liz Brown; Rona Johnston; Ken Mitcloud; Angelica Velacruz; Judy Young, Vietnamese Youth Development Center; Tek Tran, Vietnamese Youth Development Center; Daniela Mak; Damilidan; male speaker; Joahne Desmon; Ruben Goldberg; George Johnson; Dale Albright; Leonard Wiroskly; Andra Ward; Alice Wong; Ricky Heng; Charles Herrera; Monique Elemin; Renee Elsman; Brenda Marris; Susan Rebecca; Ms. Guiresso; Ben Johnson; Joe Al Mogana; Linda Nugyen; Michael Lyon; Lorie Belansky; female speaker; Cathern Hambell; Johnathan Rogers; Wye Ching Quan; female speaking Chinese; female speaker; Alexandra; Mr. De La Cruz; Wendy Bastine; Stephanie Ashley; Naomi Ackers; Mr. Novino; Keet Sigrass; Barbara Lopez; Walter James; Frank Martin Del Campo, Local 21; Andy Shomir; female speaker; Carol Harvey; Ms. Capinay; male speaker; Lindsley Perkinson; Ema Gerald, L1021; Ed Hinchley; Chris Bowman; Barbara Keycome; Carla Wilson; Stokeson; David Williams; Clara, Homeless Alliance; Martha Hawthorne; Jonathan Leda; Wayne Scott; Bob

FILED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090013 **[Amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]**

Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.

(Fiscal Impact.)

Supervisor Daly requested to be removed as a sponsor.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Referred as amended to Committee

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be REFERRED to the Budget and Finance Committee. The motion carried by the fallawing vote:

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

090023 **[Public Health services mid-year cuts]** **Supervisor Daly**

Hearing to discuss mid-year cuts of public health services.

The following speakers expressed concern over the proposed mid-year budget FY 2008-09 adjustments/cuts to Health Services and other City Services:

Ms. Bowie; Abdullah Megaheed; female speaker; Carmen Henesey; Larry Nelson; Rachael Richman; Helen Rodriguez, Meg Barton; male speaker; Sister Elaine Jones; Marlina Blackins; Christopher Delenhop; Charles Begile; female speaker; Richard Rothman; Laura Guzman; Ms. Riley; Thomas Jenkins; Josh Bindings; Cynthia Citizen; Mr. Patella, SRO Callabarative; Ron Gouldman, N. Kennon SF Symphony; Victoria Dolsta; Victoria Vkstolva; Ms. Thompson; Alexandra Deconte; Ireme Pang, Kye Sans, Michael Sanderson; Leroy Quoke; Ms. Pung; Jennifer Friedenback; Mr. Perio; Rosario Thompson; Jeff Buckley; Kima Leila; Bruce Fisher; Jennie Cris, Katie Riesinger; Bruce Ellison; male speaker; Michael; Leslie Harrison; male speaker; Liz Brawn; Rana Johnstan; Ken Mitcloud, Angelina Velacruz; Judy Young, Vietnamese Youth Development Center; Tek Tran, Vietnamese Youth Develapment Center; Daniela Mak, Damilidan; male speaker; Joahne Desmon; Ruben Goldberg; George Johnson; Dale Albright; Leonard Wiraskly; Andra Ward; Alice Wong; Ricky Heng; Charles Herrera; Monique Elemin; Renee Elsman; Brenda Marris; Susan Rebecca; Ms. Guiressa; Ben Johnson, Joe Al Mogana; Linda Nugyen; Michael Lyon; Lorie Belansky; female speaker; Cathern Hambell; Jahnathan Rogers; Wye Ching Quan; female speaking Chinese; female speaker; Alexandra; Mr. De La Cruz; Wendy Bastine; Stephanie Ashley; Naomi Ackers; Mr Novino; Keet Sigrass; Barbara Lopez; Walter James; Frank Martin Del Campo, Local 21; Andy Shamir; female speaker; Carol Harvey; Ms. Capinay; male speaker; Lindsley Perkinson; Ema Gerald, L1021; Ed Hinchley; Chris Bowman; Barbara Keycome, Carla Wilson; Stokeson; David Williams; Clara, Homeless Alliance; Martha Hawthorne; Jonathan Leda; Wayne Scott; Bob

FILED by the fallawing vate:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition af Commendations

Supervisor Elsbernd introduced, welcomed, and presented a Certificate of Honor to Joe Ovadia in recognitian of his years of loyal service to the City and County of San Francisco.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board cammittee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with various issues

James Chaffee; expressed concern with issues relating to the SF Public Library

Ray Garsa; expressed concern with issues relating to the open government process and the Sunshine Ordinance Task Force complaints

Mark Trout; expressed concern with various issues

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required far adaption af these resolutions today. Any Supervisor may require any resolution ta go ta committee.

Supervisors Alioto-Pier and Maxwell were noted absent at 9:10 p.m.

090028 **[Cammending Winna Davis and her lifetime commitment in helping the children, youth, and families of San Francisco]** **Supervisor Dufty**

Resolution commending Winna Davis and her lifetime commitment in helping the children, youth, and families of San Francisco.

Enacted Number: 24-09

ADOPTED

090029 **[Reauthorization of Food Security Task Force]** **Supervisor Maxwell**

Resolution extending the sunset provisions of the Food Security Task Farce to January 31, 2010.

Enacted Number: 32-09

ADOPTED

090031 **[Accept-Expend Grant - Office af the Puhlic Defender - $50,000]** **Mayor, Supervisor Mirkarimi**

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of $50,000 from The San Francisco Foundation for consulting services to support the development of data collection tools and service standards in support of the new Reentry Council.

Enacted Number: 31-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Absent: 2 - Alioto-Pier, Maxwell

Severed from the For Adoption Without Committee Reference

Supervisor Campos requested that this matter be severed so that it might be considered separately.

090030 **[Urging the Board of Directors of the Bay Area Rapid Transit District (BART) to establish an independent Civilian Oversight body to investigate claims of BART Police misconduct]** **Supervisors Campos, Mirkarimi, Maxwell, Dufty**

Resolution urging the BART Board of Directors to immediately establish an independent Civilian Oversight body to investigate claims of misconduct by the BART Police, and urging our State Representatives to pass legislation requiring that BART have independent third-party civilian oversight of its Police force.

Enacted Number: 33-09

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Absent: 2 - Alioto-Pier, Maxwell

Supervisor Daly requested that this matter be severed so that it might be considered separately.

Supervisor Mirkarimi Excused From Voting

Supervisor Daly, seconded by Supervisor Dufty, moved to excuse Supervisor Mirkarimi from voting on this matter.. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar
Absent: 2 - Alioto-Pier, Maxwell
Excused: 1 - Mirkarimi

Supervisor Daly requested that this item severed so that it can be considered separately.

090034 **[Nominating Supervisor Mirkarimi for California Coastal Commission]** **Supervisor Chiu**

Motion nominating Supervisor Ross Mirkarimi for the North Coast Central seat on the California Coastal Commission.

Enacted Number: M09-11

APPROVED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar
Absent: 2 - Alioto-Pier, Maxwell
Excused: 1 - Mirkarimi

Supervisor Daly requested that this item be severed so that it might be considered separately.

090048 **[Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Amendment to Annual Appropriation Ordinance]** **Supervisor Chiu**

Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider an amendment to the Annual Appropriation Ordinance and the Annual Salary Ordinance for fiscal Year 2008-2009.

Enacted Number: M09-13

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090049 **[Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Hearing on Mid-Year Cuts to Public Health Services]** **Supervisor Chiu**

Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider Board of Supervisors file number 090023, a hearing to discuss mid-year cuts of public health services.

Enacted Number: M09-14

APPROVED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd

090050 **[Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Special Election June, 2009]** **Supervisor Chiu**

Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider legislation related to a special election to be held in June, 2009.

Enacted Number: M09-15

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090093 [Solar Energy Agreements with Recurrent Energy] Mayor, Supervisor Chu

Ordinance approving a 25-Year Power Purchase Agreement and Site Lease Agreement with RE-SFCITY1, LP (Recurrent), a wholly owned subsidiary of Recurrent Energy, to finance, construct, own, operate, and maintain a solar photovoltaic power plant on the rooftop of the North Storage Basin Reservoir and certain adjacent land on the Sunset Reservoir property located at the intersection of 24th Avenue and Ortega Street, San Francisco, and to sell all electricity generated by the project to the City acting through its Public Utilities Commission.

(Fiscal Impact.)

1/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/02/09 - Referred to the Small Business Commission for review and comment. 02/26/09 - Response received from SBC.

090096 [Prohibiting new overhead utility facilities] Supervisor Dufty

Ordinance amending Sections 913 and 914 of the San Francisco Public Works Code to prohibit the installation of new overhead utility facilities on any City street where there are no existing overhead utility facilities; and further amending Section 914 to establish exemptions to this requirement.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090097 [Administrative Code Revision: Health Service System] Supervisor Elsbernd

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.[illegible] regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

1/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090099 [Re-establishing the name of the Richmond District] Supervisor Mar

Ordinance rescinding Ordinance 4397 and re-establishing the name of the area north of Golden Gate Park and west of Arguello Boulevard as the Richmond District.

1/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090100 [Solar Energy Incentive Program] Supervisor Mirkarimi

Ordinance amending the San Francisco Environment Code by amending Sections 18.3, 18.4, 18.6, 18.7-1, 18.7-2, 18.7-3, 18.7-4, and 18.7-6, and by repealing Section 18.7-7, to increase the incentives available to low-income and non-profit applicants under the Solar Energy Incentive Program and to make technical changes to program requirements.

1/27/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/26/2009. 02/02/09 - Referred to the Small Business Commission for review and comment.

Resolutions

090094 [Extending the Library Citizens Advisory Committee] Supervisor Daly

Resolution extending the operation of the Library Citizens Advisory Committee to March 1, 2011.

1/27/09, RECEIVED AND ASSIGNED to Rules Committee.

090095 [30 day extension for Planning Commission review - Residential Inclusionary Affordable Housing Program] Supervisor Daly

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on an Ordinance amending the Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of $15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units.

1/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090098 [Establishing Monthly Contribution Amount to Health Service Trust Fund] Supervisor Elsbernd

Resolution establishing monthly contribution amount to Health Service Trust Fund.

(Fiscal Impact.)

1/27/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090101 **[Interim Zoning Controls Requiring Conditional Use Authorization for Tobacco Paraphernalia Establishments, as Defined, in the Haight Street Neighborhood Commercial District]** **Supervisor Mirkarimi**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for Tobacco Paraphernalia Establishments, as defined, subject to specified exceptions, in the Haight Street Neighborhood Commercial District and in all properties zoned NC-1 (Neighborhood Commercial Cluster District) and NC-2 (Small-Scale Neighborhood Commercial District) along Haight Street, for a one year period, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

1/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090102 **[Below Market Rate Condominium Conversion Program - Release of Units at 3321 17th Street]** **Mayor**

Resolution approving the release of six units at 3321 17th Street from the Below Market Rate Condominium Conversion Program under Subdivision Code Sections 1341 and 1385.

1/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090104 **[Preserving the California Mental Health Services Act]** **Supervisor Avalos**

Resolution urging Governor Arnold Schwarzenegger to sustain the state's commitment to mental health funding and preserve Proposition 63 monies for its intended purpose.

1/27/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090105 **[Accept and Expend Grant - Office of Language Services - $10,000]** **Supervisor Chu**

Resolution retroactively authorizing the Office of Language Services to accept and expend $10,000 from the Annie E. Casey Foundation, to create a pilot program to expand the organizational capacity of the City's law enforcement, criminal justice, and emergency management agencies to meet the cultural and linguistic needs of limited English proficient victims of domestic violence.

1/27/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

090081 **[Crime and Prosecution Statistics]** **Supervisors Alioto-Pier, Campos**

Follow up hearing in the Public Safety Committee on January 26, 2009, wherein the Mayor's Office of Criminal Justice (MOCJ) presented statistics on public safety conditions citywide and neighborhood crime levels, this hearing would explore how to establish interagency coordination between the San Francisco Police Department, the District Attorney's Office, the San Francisco Superior Court and MOCJ to compile statistics on the following; (1) how many arrests are made when a crime is committed, (2) whether the arrest results in charges being filed by the District Attorney's Office and (3) the ultimate disposition of the case.

1/27/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090082 **[Budget Updates]** **Supervisor Avalos**

Hearing to consider budget updates from the Mayor's Budget Office, the Controller's Office, and various City Departments.

1/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090083 **[Southeast Child & Family Therapy Center]** **Supervisor Avalos**

Hearing on the proposed move of the Southeast Child & Family Therapy Center out of the Excelsior.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090084 **[SF City ID Card Program Implementation]** **Supervisor Campos**

Hearing on implementation of the SF City ID Card Program.

1/27/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090085 **[Recreation and Park Department (RPD) plan to implement fees for activities]** **Supervisor Chu**

Hearing to review the plan to begin charging residents for Recreation and Park Department (RPD) activities. In August of 2007, the Board of Supervisors approved a plan for RPD to begin charging fees for activities. How are these fees being implemented; does RPD have a system in place to collect these fees; how much money will be collected; will these fees offset layoffs or service cuts within the department; and what is the timeline for implementation. The hearing will also cover the badminton program, and why RPD is canceling sessions "due to lack of interest."

1/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/02/09 - Referred to the Youth Commission for review and comment.

090086 **[Hepatitis C prevention, screening and care]** **Supervisor Dufty**

Hearing on the City's strategy to address Hepatitis C, including prevention efforts, encouragement of screening, testing and treatment.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090087 **[Status of partnerships between SFHA and SFUSD]** **Supervisor Dufty**

Hearing to receive an update from the Superintendent of the San Francisco Unified School District (SFUSD) and the Director of the San Francisco Housing Authority (SFHA) on the status and direction of partnerships between SFHA and SFUSD.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090088 **[Outline of the SFHA, RPD and SFUSD strategies to offer employment and recreation experiences for SFHA youth residents]** **Supervisor Dufty**

Hearing to receive an update from the Recreation and Park Department (RPD) and San Francisco Unified School District (SFUSD) on strategies to provide employment and recreation opportunities for residents of San Francisco Housing Authority (SFHA) properties who are between the ages 13 and 18 years old.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090089 **[Staffing of Recreation and Park Department's Facilities]** **Supervisor Dufty**

Hearing on the Controller's findings on the staffing levels of the Recreation and Park Department's recreation centers and public facilities.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090090 **[SFUSD 10-Year Capital Plan]** **Supervisor Elsbernd**

Hearing on San Francisco Unified School District (SFUSD) 10-Year Capital Plan.

1/27/09, RECEIVED AND ASSIGNED to City and School District Select Committee. 1/29/2009 - Referral sent to the Youth Commission for review and comment.

090091 **[Municipal Transportation Agency's (MTA) quarterly reports on disability placards]** **Supervisor Mar**

Hearing on the Municipal Transportation Agency's (MTA) processes and procedures around enforcement of disability placards. Request to the MTA to report on: 1) The number of disability placards that are currently active in San Francisco 2) The number of placards confiscated in the past year 3) The percentage of placards confiscated compared to the number of people asked for proof of valid placard. Request for an update from the MTA on their progress working with the State of California to ensure that temporary placards are terminated when expired and that death records are thoroughly reviewed before the re-issuance of new disability placards. Request to the MTA for written quarterly reports to the Board of Supervisors with updates on the information stated above.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090092 **[Report on City's "Economic Stimulus Package"]** **Supervisor Maxwell**

Hearing to consider the report on the City's "Economic Stimulus Package", including a presentation on how San Francisco is positioning itself for Federal investment dollars.

1/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090103 **[Hearing - Emergency ordinance modifying procedures and deadlines for a June 2, 2009 election]**

Hearing to consider the possible adoption of an emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

1/27/09, ASSIGNED to Board of Supervisors. Committee of the Whole on February 3, 2009.

Motions

090058 **[Reappointment, Arts Commission - Maya Draisin]**

Motion approving the Mayor's reappointment of Maya Draisin to the Arts Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090059 **[Reappointment, Arts Commission - Maya Draisin]**

Motion rejecting the Mayor's reappointment of Maya Draisin to the Arts Commission for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090060 **[Reappointment, Arts Commission - Jeannene Przyblyski]**

Motion approving the Mayor's reappointment of Jeannene Przyblyski to the Arts Commission, for the term ending January 15, 2013 (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090061 **[Reappointment, Arts Commission - Jeannene Przyblyski]**

Motion rejecting the Mayor's reappointment of Jeannene Przyblyski to the Arts Commission for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090062 **[Reappointment, Fire Commission - George Lau]**

Motion approving the Mayor's reappointment of George Lau to the Fire Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090063 **[Reappointment, Fire Commission - George Lau]**

Motion rejecting the Mayor's reappointment of George Lau to the Fire Commission for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090064 **[Reappointment, Health Commission - David Sanchez]**

Motion approving the Mayor's reappointment of David Sanchez to the Health Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090065 **[Reappointment, Health Commission - David Sanchez]**

Motion rejecting the Mayor's reappointment of David Sanchez to the Health Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090066 **[Reappointment, Health Commission - Catherine Waters]**

Motion approving the Mayor's reappointment of Catherine Waters to the Health Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090067 **[Reappointment, Health Commission - Catherine Waters]**

Motion rejecting the Mayor's reappointment of Catherine Waters to the Health Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090068 **[Reappointment, Human Services Commission - Kelly Dearman]**

Motion approving the Mayor's reappointment of Kelly Dearman to the Human Services Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090069 **[Reappointment, Human Services Commission - Kelly Dearman]**

Motion rejecting the Mayor's reappointment of Kelly Dearman to the Human Services Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090070 **[Reappointment, Human Services Commission - Anita Friedman]**

Motion approving the Mayor's reappointment of Anita Friedman to the Human Services Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090071 **[Reappointment, Human Services Commission - Anita Friedman]**

Motion rejecting the Mayor's reappointment of Anita Friedman to the Human Services Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090072 **[Reappointment, Juvenile Probation Commission - Katie Albright]**

Motion approving the Mayor's reappointment of Katie Albright to the Juvenile Probation Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090073 **[Reappointment, Juvenile Probation Commission - Katie Albright]**

Motion rejecting the Mayor's reappointment of Katie Albright to the Juvenile Probation Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090074 **[Reappointment, Library Commission - Larry Kane]**

Motion approving the Mayor's reappointment of Larry Kane to the Library Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090075 **[Reappointment, Library Commission - Larry Kane]**

Motion rejecting the Mayor's reappointment of Larry Kane to the Library Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090079 **[Appointments, Market and Octavia Community Advisory Committee]** **Mayor**

Motion appointing Ted Olsson, Cheryl Brinkman, and Robin Levitt for two-year terms, to the Market and Octavia Community Advisory Committee.

1/27/09, RECEIVED AND ASSIGNED to Rules Committee.

Charter Amendment

081597 **[Rainy Day Reserve]** **Supervisor Daly**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 9.113.5, to: (1) allow the City to withdraw up to 100 percent of the current balance in the Rainy Day Reserve, not to exceed 20 percent of the projected deficit, in years in which a budgetary deficit of $250 million or more is projected; (2) require the City to also appropriate to the School District an amount equal to 33 percent of any such withdrawals for the City's benefit, in years in which the School District faces a loss of revenues and significant layoffs; and, (3) eliminate obsolete provisions.

12/16/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/15/2009. 1/26/09, Digest received, 30-day Rule ends February 25, 2009.

1/27/09, ASSIGNED to Rules Committee.

1/27/09, SUBSTITUTED. Supervisor Daly submitted a substitute Charter Amendment bearing new title. Response received from Planning Department and Youth Commission on February 9, 2009.

PROPOSED ORDINANCES

090044 **[Settlement of Lawsuit - Computers For Marketing Corporation - $42,000]**

Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for $42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090045 **[Settlement of Lawsuit - Susan Howard - $175,000]**

Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for $175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City and County of San Francisco, et al. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090046 **[Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]**

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090042 **[Public Auction - Tax-defaulted real property]**

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

1/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090043 **[Approving First Amendment to Agreement between the San Francisco Public Utilities Commission and Santa Clara Valley Water District for Operation and Maintenance of the Intertie pursuant to**

Resolution approving First Amendment to the Operation and Maintenance Agreement between the San Francisco Public Utilities Commission (SFPUC) and Santa Clara Valley Water District (SCVWD) for the Intertie pursuant to Charter Section 9.118. (Public Utilities Commission)

1/12/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti at the following private property locations:

580 Hayes

208 Scott

451 Hayes

616 Buchanan

500 Buchanan

501 Fillmore

485 Scott

1023 Oak

216 Scott

546 Haight

55 Laguna (on Haight Street side)

345 Fillmore

378 Fillmore

950 Steiner

532 Steiner

420 Haight

841 Scott

609 Haight

946 Haight

942 Haight

610 Fillmore

275 Divisadero

705 Divisadero

355 Laguna

212 Haight

122 Webster

1037 Oak

Transfer Market on Southwest corner of Grove and Divisadero

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the following locations:

Garbage Cans

Northeast corner of Haight and Fillmore

Northeast corner of Buena Vista West and Haight

Northwest corner of Grove and Fillmore

Southwest corner of Buena Vista East and Haight

Southwest corner of Divisadero and McAllister

Mailboxes

Southwest corner of Central and Waller

Northeast corner of Baker and Haight

Southwest corner of Broderick and McAllister

Northwest corner of Eddy and Buchanan

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from utility poles at the following locations:

Metal Poles

Northwest corner of Octavia and Laguna

Northwest corner of Grove and Lyon

In front of 526 Hayes Street

In front of 1143 Fell

Southwest corner of Scott and Page

Northeast corner of Octavia and Luguna

Southwest corner of Oak and Fillmore

Northeast corner of Grove and

In Memoriams

Ave Montague - Entire Board

Christina Middlebrook - Supervisor Dufty

Ruth Levinson Halperin - Supervisor Dufty

Rabbi Jack Frankel - Supervisor Dufty

Mary Shufat - Supervisor Dufty

Martin Delaney - Supervisor Dufty

John Behanna - Supervisor Chiu

Helen Julia Hanna - Supervisor Chiu

Lynette Chan - Supervisor Alioto-Pier

Richard "Dick" Sklar - Supervisor Alioto-Pier

Caprice Darnell Curry - Supervisor Daly

Irma Scarabosio - Supervisor Elsbernd

Cathie Guntli - Supervisor Campos

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:25 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 17, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯： 必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

Disability access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the

ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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February 3, 2009

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City Hall
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San Francisco, CA 94102-4689

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MEETING MINUTES

Tuesday, February 3, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

AGENDA CHANGES

CONSENT AGENDA

Recommendation of the Public Safety Committee

081599 **[Accept and Expend grant - US Department of Justice, Office of Violence Against Women - $499,755]** **Supervisor Elsbernd**

Resolution authorizing the Mayor's Office of Community Investment (MOCI) to accept and expend a grant in the amount of $499,755 from the Department of Justice (DOJ), Office of Violence Against Women (OVW), FY 2008 Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program.

Enacted Number: 37-09

ADOPTED

Recommendations of the Rules Committee

081395 **[Settlement of Lawsuit - Denise Caicedo - $47,500.00]**

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for $47,500.00; the lawsuit was filed on September 22, 2006 in Superior Court, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 23-09

FINALLY PASSED

081618 **[Settlement Of Lawsuit - Xiaomei Ma v. CCSF - $115,000]**

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for $115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco. (City Attorney)

Enacted Number: 24-09

FINALLY PASSED

081199 **[Medical Cannabis Act Revisions]** **Mayor**

Ordinance approving amendments to the Medical Cannabis Act to clarify that a medical cannabis dispensary shall be a cooperative or collective and shall operate as a non-profit.

Enacted Number: 25-09

FINALLY PASSED

081511 **[Reentry Council]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by modifying Section 5.1-3 to clarify that the Board of Supervisors shall appoint four, rather than three, of the members of the Reentry Council who are former inmates, and to exempt all members of the Reentry Council from the requirement that they be electors of the City and County.

Enacted Number: 26-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Appointment of President Pro Tempore

At the request of the President, Supervisor Compos assumed the Chair so the President could participate in the debate from the floor concerning the following item.

081440 **[De-Appropriating $998,145 of General Fund and $761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]** **Supervisor Daly**

Ordinance de-appropriating $998,145 of General Fund in the Mayor's Office of Community Justice and $761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

NOTE. This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009. (Fiscal Impact.) (Supervisor Elsbernd dissented in committee.)

NOT OVERTURN MAYORAL VETO by the following vote:

Ayes: 6 - Avalos, Campos, Daly, Mar, Maxwell, Mirkarimi
Noes: 5 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd

081589 **[Eastern Neighborhoods Zoning Map - Height District for Mission Street theater properties]**

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

NOTE· This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009.

NOT OVERTURN MAYORAL VETO by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendations of the Budget and Finance Committee

081535 **[Waiver of Administrative Code Sections 6.40 and 6.41 to allow award of agreement for program construction management services without a competitive procurement process]**

Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Sections 6.40 and 6.41 to allow award of Agreement No. CS-963, Program Construction Management Services, without a competitive procurement process. (Public Utilities Commission)

(Fiscal Impact.)

Enacted Number: 22-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Dufty

081536 **[WSIP Agreement No. CS-963, Program Construction Management Services - Not to Exceed $26,000,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the Water System Improvement Program-funded Agreement No. CS-963, Program Construction Management Services, with AECOM WATER, for an amount not to exceed $26,000,000 with a term of up to seven (7) years, pursuant to San Francisco Charter Section 9.118, if the Board of Supervisors has approved an ordinance waiving procurement requirements of San Francisco Administrative Code Sections 6.40 and 6.41, and that ordinance is effective. (Public Utilities Commission)

(Fiscal Impact.)

Enacted Number: 36-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

Board of Supervisors Sitting As a Committee of the Whole

090103 **[Hearing - Emergency ordinance modifying procedures and deadlines for a June 2, 2009 election]**

Hearing to consider the possible adoption of an emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

The President inquired as to whether any member of the public wished to address the Board members.

There were none.

The President declared the public hearing closed.

FILED.

090106 **[Modifying election procedures and deadlines for a June 2, 2009 election]**

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Appointment of President Pro Tempore

At the request of the President, Supervisor Campos assumed the Chair so the President could participate in the debate from the floor concerning the following item.

090010 **[Calling a municipal special election for June 2, 2009]**

Resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendation of the Budget and Finance Committee

081619 **[Airport Lease and Operating Agreement]**

Resolution approving the exercise of the third of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)

(Fiscal Impact.)

Enacted Number: 38-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From Budget and Finance Committee Without Recommendation

081596 **[Accept and Expend FY 2008-2009 Homeland Security Grant Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - $2,112,026]** **Supervisor Alioto-Pier**

Ordinance authorizing the Department of Emergency Management (DEM) to retroactively accept and expend a Homeland Security Grant Program grant in the amount of $2,112,026 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security, for disaster planning, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of three grant-funded positions at the Controller's Office, Mayor's Office on Disability, and Animal Care and Control.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

080822 **[Residential Rent Ordinance: Tenant Rights for Victims of Domestic Violence or Stalking]** **Supervisors Chu, Mirkarimi, Dufty, Maxwell, Alioto-Pier, Chiu**

Ordinance amending Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by making findings and amending Sections 37.2 and 37.9 to provide protections for tenants who are victims of domestic violence or sexual assault or stalking, including protection from evictions based on the actions of abusers or stalkers, and confidentiality protections.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081581 **[Approval of Port Lease to Pilara Family Foundation Lease No. L-14144 at Pier 24 Annex]**

Resolution approving Port Commission Lease No. L-14144 with the Pilara Family Foundation, a Nevada Non-Profit Corporation ("Pilara") for certain real property located at Pier 24 Annex in the City and County of San Francisco. (Port)

Continued to February 10, 2009

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081601 **[Accept Local Gift of Services - $430,000]** **Supervisor Maxwell**

Resolution authorizing the Port of San Francisco to accept a gift of services with an estimated value of $430,000 from the Copra Crane Labor Landmark Association, a non-profit organization, for the restoration and preservation of the Port of San Francisco's "Copra Crane," located at Pier 84.

Enacted Number: 35-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081602 **[Transferring streetscape improvements along Fillmore Street from the San Francisco Redevelopment Agency to the City]** **Supervisor Mirkarimi**

Resolution terminating a Major Street Encroachment Permit and recognizing the termination of two Minor Sidewalk Encroachment Permits and Public Work Order No. 172,568, and the modification of a minor sidewalk encroachment permit, all pertaining to the installation and maintenance of streetscape improvements along portions of Fillmore Street between Post and McAllister Streets and transferring the ongoing maintenance responsibility for the streetscape improvements from the San Francisco Redevelopment Agency to the City in exchange for 1.8 million dollars.

Enacted Number: 41-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to Mayor Newsom being in Paris and Switzerland

James Chaffee; expressed concern with issues relating to the SF Public Library

Ray; expressed concern with issues relating to open government in San Francisco

Susan Stauter; expressed appreciation for the life of Lani Silver

Antoine Trimis; speaker expressed appreciation for the life of Lani Silver

Female speaker; expressed concern with issues relating to the Trans Bay Terminal project and the loss of small business in the area

Ms. Landry; expressed concern with issues relating to the Trans Bay Terminal project and the loss of small business in the area

Male speaker; expressed concern with issues relating to President Obama and shared personal religious beliefs

John di Donna; expressed concern with issues relating to the Israeli and Palestine conflict

Sue Borell; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff

Abigal Chanley; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff

William Doherty; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff

Beverly Upton; expressed appreciation for the passage of an ordinance relating to the issue of Domestic Violence

Patricia Lee, Managing Public Defender; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff

Jeff Adachi, Public Defender; expressed concern with issues relating to the proposed cuts to the Public Defender's Office and a letter of inquiry which was sent to the Controller from Supervisor Elsbernd

Paula Bradford; expressed concern with issues relating to America Works

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090104 **[Preserving the California Mental Health Services Act]** **Supervisor Avalos**

Resolution urging Governor Arnold Schwarzenegger to sustain the state's commitment to mental health funding and preserve Proposition 63 monies for its intended purpose.

Enacted Number: 40-09

ADOPTED

090105 **[Accept and Expend Grant - Office of Language Services - $10,000]** **Supervisor Chu**

Resolution retroactively authorizing the Office of Language Services to accept and expend $10,000 from the Annie E. Casey Foundation to create a pilot program to expand the organizational capacity of the City's law enforcement, criminal justice, and emergency management agencies to meet the cultural and linguistic needs of limited English proficient victims of domestic violence.

Enacted Number: 39-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090130 **[Health Care Accountability Components]** **Supervisor Alioto-Pier**

Ordinance amending Health Code Section 12Q.3 on the calculation of the health care accountability fee for covered contracting parties and increasing the existing fee and amending Section 12Q.2.9 to increase the number of hours an employee must work to be considered a covered employee.

2/3/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/5/2009. 02/06/09 - Referred to the Small Business Commission and the Youth Commission for review and comment.

090131 **[Appropriating $17,000,000 of State Loans for West Marina Yacht Harbor Renovations in the Recreation and Park Department for Fiscal Year 2008-2009]** **Supervisor Alioto-Pier**

Ordinance appropriating $17,000,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing $15,500,000 on Controller's Reserve pending receipt of the funds from the State.

(Fiscal Impact.)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090133 **[Ordering Submission of Gross Receipts Tax to Voters]** **Supervisor Avalos**

Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Gross Receipts Tax Ordinance), Sections 951 through 958, to impose a gross receipts tax on persons engaging in business activities in San Francisco; (2) amend Article 12 (Business Registration Ordinance) to conform business registration requirements with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); and (3) amend Article 6 (Common Administrative Provisions) to conform them with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); and (4) amend Article 12-A (Payroll Expense Tax Ordinance) to conform it with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance).

(2/9/09 - Economic Impact)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/06/09 - Referred to the Small Business Commission, Retirement Board, and the Ethics Commission for review and comment.

090134 **[One-half of one percent (0.50%) Sales Tax Increase for Emergency Health and Human Services and Public Protection]** **Supervisor Avalos**

Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide additional support for emergency health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the June 2, 2009 election.

(2/9/09 - Economic Impact)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/06/09 - Referred to the Small Business Commission, Retirement Board, and the Ethics Commission for review and comment.

090135 **[Ordering Submission of Proposed Payroll Expense Tax Amendment to Voters]** **Supervisor Chiu**

Ordinance amending (1) Section 903.1 to reduce the Payroll Expense Tax rate from 1.5% to 1.0%, for business whose taxable payroll expense exceeds $300,000, but is less than or equal to $400,000, beginning with the 2010 tax year; and (2) Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is $300,000 or less, beginning with the 2010 tax year.

(2/9/09 - Economic Impact)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/06/09 - Referred to the Small Business Commission, Retirement Board, and the Ethics Commission for review and comment.

090136 **[Adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]** **Supervisors Chiu, Dufty**

Ordinance adopting and submitting to the voters the ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that state law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if state law authorizes the City to impose it and directing submission of the measure for voter approval at the June 2, 2009 special election.

(2/9/09 - Economic Impact)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/06/09 - Referred to the Small Business Commission, Retirement Board, and the Ethics Commission for review and comment.

090137 **[Landmark Tree Designation of California Buckeye, Aesculus Californica, located behind 757 Pennsylvania Street]** **Supervisor Maxwell**

Ordinance designating the California Buckeye (Aesculus Californica) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

2/3/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090140 **[De-appropriating $1,000,000 of Power for Resale for use with the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009]** **Mayor, Supervisors Mirkarimi, Dufty**

Ordinance de-appropriating $1,000,000 of Power for Resale expenses and appropriating $1,000,000 for the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009, allowing $500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, and amending San Francisco Environmental Code section 18 7-5

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090141 **[Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco** **Supervisor Mirkarimi**

Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

2/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/5/2009.

Resolutions

090132 **[Accept and expend grant funds for children's dental disease prevention services]** **Supervisor Avalos**

Resolution authorizing the San Francisco Department of Public Health (SF DPH) to accept and expend retroactively a three-year grant from the California Department of Public Health (CA DPH), to fund the California Dental Disease Prevention Program (CCDDPP), for the period of July 1, 2007 through June 30, 2010; and authorizing SF DPH to execute all documents and subsequent amendments related to this contract.

2/3/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090138 **[Accept and expend grant funds to support the 3rd Street Clinic expansion - $115,191]** **Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and retroactively expend grant funds in the amount of $115,191 for a three-year project from the 3rd Street Youth Center to expand clinic hours at the 3rd Street Clinic from 12 hours per week to 20 hours per week; for the period of February 1, 2009 through January 31, 2012.

2/3/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090142 **[Accept and expend grant - Funding a Healthy San Francisco program evaluation - $300,000]** **Mayor, Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $300,000 from the Blue Shield of California Foundation to fund a Healthy San Francisco program evaluation; for the period of January 1, 2009 through June 30, 2010.

2/3/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090143 **[Extending the Library Citizens Advisory Committee]** **Supervisor Daly**

Resolution extending the operation of the Library Citizens Advisory Committee to March 1, 2011.

2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090144 **[Commending Margaret Brodkin on over 30 years of service on behalf of San Francisco children and families]** **Supervisors Dufty, Maxwell, Avalos, Campos, Mirkarimi, Chiu, Daly**

Resolution commending Margaret Brodkin on over 30 years of service on behalf of San Francisco children and families

2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090145 **[Commending David H. Williams and his 19 years of dedicated work to the Human Services Agency for the City and County of San Francisco since 1990]** **Supervisors Dufty, Campos**

Resolution commending David H. Williams and his dedication to the Human Services Agency for the City and County of San Francisco since 1990.

2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090146 **[Commending Richard Rothman for 25 years of dedicated service to the City and County of San Francisco]** **Supervisors Dufty, Campos**

Resolution commending Richard Rothman for 25 years of dedicated service to the City and County of San Francisco.

2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090147 **[Commending Senator Dianne Feinstein for her successful chairing of the 2009 Joint Congressional Committee on Inaugural Ceremonies]** **Supervisors Dufty, Maxwell, Alioto-Pier**

Resolution commending Senator Dianne Feinstein for her successful chairing of the 2009 Joint Congressional Committee on Inaugural Ceremonies.

2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090148 **[Supporting Earth Hour 2009 - March 28, 2009]** **Supervisors Alioto-Pier, Dufty**

Resolution declaring March 28, 2009 between 8:30-9:30PM as Earth Hour in San Francisco and urging all city government buildings, public schools and public landmarks to turn off non-essential lighting on this date and time.

2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090149 **[Celebrating the centennial of the National Association for the Advancement of Colored People (NAACP)]** **Supervisors Mirkarimi, Dufty, Campos**

Resolution celebrating the centennial of the National Association for the Advancement of Colored People (NAACP).

2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Requests for Hearing

090121 **[Controller's 6 Month Report]** **Supervisor Avalos**

Hearing on the Controller's 6 Month Report.

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090122 **[Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]** **Supervisor Avalos**

Motion that the Board of Supervisors convene in closed session with the Mayor's Office and the Department of Human Resources concerning negotiations with Labor Unions representing City Workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090123 **[School Admissions Process]** **Supervisors Chu, Elsbernd**

Hearing to receive an update from the San Francisco Unified School District on reform of the student assignment system

2/3/09, RECEIVED AND ASSIGNED to City and School District Select Committee. 02/06/09 - Referral sent to the Youth Commission for review and comment.

090124 **[Status of City support of programs for mothers and expectant mothers at Hilltop High School]** **Supervisor Dufty**

Hearing to learn what support the City, through Department of Children, Youth and their Families (DCYF) or other agencies, provides to Hilltop High School's program for mothers and expectant mothers.

2/3/09, RECEIVED AND ASSIGNED to City and School District Select Committee. 02/06/09 - Referrral sent to the Youth Commission for review and comment.

090125 **[Department of Children, Youth and their Families/San Francisco Unified School District collaboration to develop a shared understanding of how public school facilities are public assets]** **Supervisor Elsbernd**

Hearing to highlight a new collaboration between the Department of Children, Youth, and their Families (DCYF) and the San Francisco Unified School District (SFUSD) to develop a shared understanding among school, city, and community partners of how public school facilities are public assets, and to recommend joint use policy changes needed to implement this shared understanding.

2/3/09, RECEIVED AND ASSIGNED to City and School District Select Committee. 02/06/09 - Referral sent to Youth Commission for review and comment.

090126 **[Visitacion Valley Redevelopment Plan]** **Supervisor Maxwell**

Hearing on the status of the proposed Visitacion Valley Redevelopment Plan, including informational presentations by Planning and Redevelopment Staff.

2/3/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090127 **[1250 Missouri Street Development]** **Supervisor Maxwell**

Hearing regarding the development at 1250 Missouri Street and status of the City's enforcement actions on the property.

2/3/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090128 **[Budget Analyst's potential management audits in 2009]** **Supervisor Mirkarimi**

Hearing before the Government Audit and Oversight Committee for the purpose of reviewing the Budget Analyst's list of potential management audits to recommend priorities for the performance of audits in 2009 to the Board of Supervisors.

2/3/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090129 **[Mayor's Security Detail]** **Supervisor Mirkarimi**

Hearing including possible closed session before the Public Safety Committee for the purposes of examining the expense incurred by the City for the Police Department's provision of security services for the Mayor.

2/3/09, RECEIVED AND ASSIGNED to Public Safety Committee.

Motion

090150 **[Waiving Board Rule 4.19 regarding consideration of Mayoral veto]** **Supervisor Chiu**

Motion that the Board waives Board Rule 4.19 regarding consideration of a Mayoral veto.

2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Charter Amendments

090007 **[Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]** **Supervisors Elsbernd, Chu**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.

1/6/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/5/2009. 1/26/09, received legislative digest, 30-day Rule ends February 25, 2009.

2/3/09, ASSIGNED to Rules Committee.

2/3/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing new title. 2/9/09 - Response received from Planning Department on First Draft.

090139 **[Set-Asides]** **Supervisors Mirkarimi, Chiu, Elsbernd**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.122, to set a dollar cap on all Charter set-asides, authorize reductions during fiscal shortfalls and waiver during emergencies, require the return of surplus balances, and establish City policies regarding future set-asides and non-binding measures.

2/3/09, RECEIVED AND ASSIGNED to Rules Committee. Response received from Planning Department on version 1, February 27, 2009.

PROPOSED ORDINANCES

090076 **[Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]**

Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of $250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; and making environmental findings. (Public Works Department)

1/26/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/5/2009. 02/03/09 - Referred to Planning for determination of environmental impact. 02/10/09 - Response received from Planning, exempt from CEQA.

090077 **[Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]**

Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings. (Planning Department)

1/26/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/5/2009.

PROPOSED RESOLUTIONS

090052 **[Settlement of Administrative Enforcement Action - $87,000]**

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of $87,000. (Public Utilities Commission)

1/22/09, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing the graffiti from the following locations:

Garbage Cans

Northeast corner of Haight and Fillmore

Northeast corner Buena Vista West and Haight

Northwest corner Grove and Fillmore

Southwest corner Buena Vista East and Haight

Southwest corner of Divisadero and McAllister

Mailboxes

Southwest corner Central and Waller

Northeast corner Baker and Haight

Southwest corner Broderick and McAllister

Northwest corner Eddy and Buchanan

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Garbage Cans

Northwest corner Grove & Fillmore

Northwest corner of Frederick & Cole

Northeast corner Haight and Buchanan

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes

Northeast corner Stanyan & Hayes

Bus Shelters

Southwest corner Buchanan & Haight

All bus shelters on Haight and Fillmore need power washing and Graffiti

Northeast Oak & Fillmore

Fire Hydrant

Northeast corner Steiner & Waller

Northeast corner Webster & Waller

Southeast corner Grove & Scott

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole

In front of 1334 Fulton

In front of 678 Waller

Northeast corner

In Memoriams

William J. Armanino - Supervisor Alioto-Pier

Steve Conley - Supervisors Chiu and Daly

Maitland "Sandy" Zane - Supervisor Chiu

Jim Lay Fown - Supervisor Chu

Paul Kantus - Supervisor Dufty

Lani Silver - Supervisor Mar

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:12 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 17, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

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AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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February 10, 2009

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MEETING MINUTES

Tuesday, February 10, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting
Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*Michela Alioto-Pier.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

There was a quorum present.

Supervisor Alioto-Pier was excused from attending the meeting.

Supervisor Alioto-Pier Excused from Attendance

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to excuse Supervisor Alioto-Pier from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on February 6, 2009, communicating the Mayor's Veto of legislation contained in File No. 090009 regarding an emergency ordinance modifying various election procedures and deadlines for a June 2, 2009 special election.

REGULAR AGENDA

UNFINISHED BUSINESS

Possible Consideration of Mayoral Veto

Appointment of President Pro Tempore

At the request of the President, Supervisor Daly assumed the Chair so the President could participate in the debate from the floor concerning the following item.

090009 **[Modifying election procedures and deadlines for a June 2, 2009 election]**

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor has until February 7, 2009 to veto this legislation.

OVERTURN MAYORAL VETO by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 1 - Alioto-Pier

From the Budget and Finance Committee Without Recommendation

081596 **[Accept and Expend FY 2008-2009 Homeland Security Grant Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - $2,112,026]** Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM) to retroactively accept and expend a Homeland Security Grant Program grant in the amount of $2,112,026 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security, for disaster planning, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of three grant-funded positions at the Controller's Office, Mayor's Office on Disability, and Animal Care and Control.

Enacted Number: 27-09

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

080822 **[Residential Rent Ordinance: Tenant Rights for Victims of Domestic Violence or Stalking]** **Supervisors Chu, Mirkarimi, Dufty, Maxwell, Alioto-Pier, Chiu, Campos**

Ordinance amending Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by making findings and amending Sections 37.2 and 37.9 to provide protections for tenants who are victims of domestic violence or sexual assault or stalking, including protection from evictions based on the actions of abusers or stalkers, and confidentiality protections.

Enacted Number: 28-09

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

081581 **[Approval of Port Lease to Pilara Family Foundation Lease No. L-14144 at Pier 24 Annex]**

Resolution approving Port Commission Lease No. L-14144 with the Pilara Family Foundation, a Nevada Non-Profit Corporation ("Pilara") for certain real property located at Pier 24 Annex in the City and County of San Francisco. (Port)

Enacted Number: 49-09

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081360 **[Lease of real property at 3801 Third Street, Suite 400]**

Resolution authorizing the lease at 3801 Third Street, Suite 400, for the Department of Public Health commencing retroactively on July 1, 2008. (Real Estate Department)

Enacted Number: 50-09

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

090042 **[Public Auction - Tax-defaulted real property]**

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

Enacted Number: 43-09

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

On behalf of Supervisor Alioto-Pier, Supervisor Maxwell welcomed, introduced and presented a Certificate of Honor to Gwyneth Borden for her service in the community and in recognition of February as Black History Month.

Supervisor Avalos welcomed, introduced and presented a Certificate of Honor and presented to Mike Brown for his service in the Community and in recognition of February as Black History Month.

Supervisor Campos welcomed, introduced and presented a Certificate of Honor to Betty Hudson for her service in the community and in recognition of February as Black History Month.

Supervisor Chu welcomed, introduced and presented a Certificate of Honor to Colonel Robert Powell for his service in the community and in recognition of February as Black History Month.

Supervisor Dufty welcomed, introduced and presented a Certificate of Honor to John Newsom for his service in the community and in recognition of February as Black History Month.

Supervisor Elsbernd welcomed, introduced and presented a Certificate of Honor to Lonnie Lawson for his service in the community and in recognition of February as Black History Month.

Supervisor Mar welcomed, introduced and presented a Certificate of Honor to Esselene Stancil for her service in the community and in recognition of February as Black History Month.

Supervisor Maxwell welcomed, introduced and presented a Certificate of Honor to Lynette Scott for her service in the community and in recognition of February as Black History Month.

Supervisor Mirkarimi welcomed, introduced and presented a Certificate of Honor to Thomas Robert Simpson for his service in the community and in recognition of February as Black History Month.

Supervisor Chiu welcomed, introduced and presented a Certificate of Honor to Daisy McArthur for her service in the community and

COMMITTEE REPORTS

090027 **[Contract with Owners' Association for administration/management of Yerba Buena Community Benefit District]** **Mayor**

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Yerba Buena Community Benefit District," pursuant to Section 36651 of the California Streets and Highways Code.

Enacted Number: 44-09

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library

Peter Tscherneff; expressed concern with issues relating to the murder of SF Police Officer Garnier and issues relating to the possible cover up of his murder

Male speaker; expressed concern with issues relating to the murder of SF Police Officer Garnier and issues relating to the possible cover up of his murder

Ray Hartz; expressed concern with issues relating to open government

Male speaker; expressed concern with issues relating to the economic crisis and bankruptcy reorganization

Lewis Whilden; expressed concern with issues relating to the economic crisis and bankruptcy reorganization

Anastasia Mares; expressed concern with issues relating to the economic crisis and bankruptcy reorganization

Peter Warfield; expressed concern with issues relating to the SF Public Library renovations

Walter Paulson; shared with the Board certain memorabilia

Mike Brown; expressed concern with issues related to the need for violence prevention in the Bayview and Ocean View districts

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090143 **[Extending the Library Citizens Advisory Committee]** **Supervisor Daly**

Resolution extending the operation of the Library Citizens Advisory Committee to March 1, 2011.

Enacted Number: 48-09

ADOPTED

090144 **[Commending Margaret Brodkin on over 30 years of service on behalf of San Francisco children and families]** **Supervisors Dufty, Maxwell, Avalos, Campos, Mirkarimi, Chiu, Daly**

Resolution commending Margaret Brodkin on over 30 years of service on behalf of San Francisco children and families.

Supervisor Daly requested to be added as a co-sponsor.

Enacted Number: 45-09

ADOPTED

090145 **[Commending David H. Williams and his 19 years of dedicated work to the Human Services Agency for the City and County of San Francisco since 1990]** **Supervisors Dufty, Campos**

Resolution commending David H. Williams and his dedication to the Human Services Agency for the City and County of San Francisco since 1990.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 51-09

ADOPTED

090146 **[Commending Richard Rothman for 25 years of dedicated service to the City and County of San Francisco]** **Supervisors Dufty, Campos**

Resolution commending Richard Rothman for 25 years of dedicated service to the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 52-09

ADOPTED

090148 **[Supporting Earth Hour 2009 - March 28, 2009]** **Supervisors Alioto-Pier, Dufty**

Resolution declaring March 28, 2009 between 8:30-9:30PM as Earth Hour in San Francisco and urging all city government buildings, public schools and public landmarks to turn off non-essential lighting on this date and time.

Enacted Number: 42-09

ADOPTED

090149 **[Celebrating the centennial of the National Association for the Advancement of Colored People (NAACP)]** **Supervisors Mirkarimi, Dufty, Campos**

Resolution celebrating the centennial of the National Association for the Advancement of Colored People (NAACP).

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 47-09

ADOPTED

090102 **[Below Market Rate Condominium Conversion Program - Release of Units at 3321 17th Street]** **Mayor**

Resolution approving the release of six units at 3321 17th Street from the Below Market Rate Condominium Conversion Program under Subdivision Code Sections 1341 and 1385.

Enacted Number: 46-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Severed from Adoption Without Committee Reference

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

090150 **[Waiving Board Rule 4.19 regarding consideration of Mayoral veto]** **Supervisor Chiu**

Motion that the Board waives Board Rule 4.19 regarding consideration of a Mayoral veto.

The President inquired as to whether any member of the public wised to address the Board members.

There were none.

The President declared the public hearing closed,

Enacted Number: M09-21

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Daly requested that this matter be severed so that it might be considered separately.

090147 **[Commending Senator Dianne Feinstein for her successful chairing of the 2009 Joint Congressional Committee on Inaugural Ceremonies]** **Supervisors Dufty, Maxwell, Alioto-Pier**

Resolution commending Senator Dianne Feinstein for her successful chairing of the 2009 Joint Congressional Committee on Inaugural Ceremonies.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Rules Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090157 **[Settlement of Lawsuit - Mehrdad Alemozaffar - $350,000]** **Supervisor Daly**

Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehrdad Alemozaffar and against the City and County of San Francisco in the amount of $350,000 in settlement of the lawsuit filed on July 20, 2007 in United States District Court, Case No. C07-4494 JSW entitled Mehrdad Alemozaffar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello.

2/10/09, RECEIVED AND ASSIGNED to Rules Committee.

090178 **[Zoning Map Amendments in connection with the Balboa Park Station Area Plan]** **Supervisors Avalos, Elsbernd**

Ordinance amending Sheets ZN11, ZN12, HT11, HT12 and SU12 of the City and County of San Francisco Zoning Map to revise use districts and height and bulk districts within the Balboa Park Station Area Plan and to delete the Ocean Avenue Fast Food Restricted Use Subdistrict in its entirety; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

2/10/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/12/2009.

090179 **[Balboa Park Station Area Plan - monitoring program]** **Supervisors Avalos, Elsbernd**

Ordinance amending the Administrative Code Chapter 10E to establish the Balboa Park Station Area Plan Monitoring Program for purposes of reviewing the effectiveness of the Balboa Park Station Area Plan and implementation of specified improvements; and adopting environmental findings.

(Economic Impact)

2/10/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/12/2009.

090180 **[Approving General Plan Amendments in connection with the Balboa Park Station Area Plan]** **Supervisors Avalos, Elsbernd**

Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

(Economic Impact)

2/10/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/12/2009.

090181 **[Planning Code amendments in connection with the Balboa Park Station Area Plan]** **Supervisors Avalos, Elsbernd**

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Balboa Park Station Area Plan, running the length of Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue, and including the City College of San Francisco Phelan campus and San Francisco Public Utilities Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station Area Plan impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

(Economic Impact)

2/10/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/12/2009.

Resolutions

090182 **[Federal Economic Recovery Support for Balboa Park Station Area Plan]** **Supervisor Avalos**

Resolution urging city departments to set the Balboa Park Station Area Plan as an identified priority when seeking Federal Economic Stimulus funding, and to work with San Francisco's Congressional delegation to ensure, to the extent possible, that Federal Economic Recovery legislation includes funding for the Balboa Park Station Area Plan.

2/10/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090183 **[Declaring an emergency and authorizing submission of gross receipts tax]** **Supervisor Avalos**

Resolution declaring an emergency under California Constitution Article XIIIC, Section 2(b) and authorizing submission of Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Gross Receipts Tax Ordinance), Sections 951 through 958, to impose a gross receipts tax on persons engaging in business activities in San Francisco; (2) amend Article 12 (Business Registration Ordinance) to conform business registration requirements with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); and (3) amend Article 6 (Common Administrative Provisions) to conform them with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); and (4) amend Article 12-A (Payroll Expense Tax Ordinance) to conform it with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance), as a general tax measure to the voters at a special election.

2/10/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090184 **[Measure adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]** **Supervisors Chiu, Dufty**

Resolution declaring an emergency under California Constitution Article XIIIC, Section 2(b) and authorizing submission of Ordinance adopting and submitting to the voters the ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that state law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if state law authorizes the City to impose it and directing submission of the measure for voter approval at the June 2, 2009 special election, as a general tax measure to the voters at a special election.

2/10/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090187 **[Declaring an emergency and authorizing submission of payroll expense tax]** **Supervisor Chiu**

Resolution declaring an emergency under California Constitution Article XIIIC, Section 2(b) and authorizing submission of Ordinance amending (1) Section 903.1 to reduce the Payroll Expense Tax rate from 1.5% to 1.0%, for business whose taxable payroll expense exceeds $300,000, but is less than or equal to $400,000, beginning with the 2010 tax year; and (2) Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is $300,000 or less, beginning with the 2010 tax year, as a general tax measure, to the voters at a special election.

(Fiscal Impact.)

2/10/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090189 **[Susan Langlands Day - February 28, 2009]** **Supervisor Avalos**

Resolution declaring February 28, 2009 "Susan Langlands Day" in the City & County of San Francisco.

2/10/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090190 **[Commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District]** **Supervisor Dufty**

Resolution commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District.

2/10/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090191 **[Amended Landmark Tree Criteria, Nomination and Evaluation Forms]** **Supervisor Mar**

Resolution amending Landmark Tree Criteria, Nomination and Evaluation Forms to be used in the implementation of a nomination, evaluation, and removal process for landmark trees in the City and County of San Francisco.

2/10/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090192 **[Commending Star of the Sea School on their 100th year anniversary]** **Supervisor Mar**

Resolution commending Star of the Sea School on their 100th year anniversary.

2/10/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090193 **[Requesting establishment of the Office of Urban Policy in President Obama's Administration]** **Supervisor Mirkarimi**

Resolution requesting that the proposed Office of Urban Policy in President Obama's Administration form a permanent advisory group to help guide that office in its efforts to provide assistance to our nation's urban areas.

2/10/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090194 **[Repealing the resolution calling a municipal special election for June 2, 2009]** **Supervisor Chiu**

Resolution repealing the call for a municipal special election to be held June 2, 2009.

2/10/09, RECEIVED AND ASSIGNED to Rules Committee.

090195 **[Calling a municipal special election to be held no later than August 31, 2009]** **Supervisor Chiu**

Resolution calling for a municipal special election to be held no later than August 31, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

(Fiscal Impact.)

2/10/09, RECEIVED AND ASSIGNED to Rules Committee.

090196 **[Urging the House-Senate conference committee to prevent E-Verify requirements from being included in the final version of the federal economic stimulus bill]** **Supervisors Campos, Chiu**

Resolution urging the House-Senate conference committee to prevent the E-Verify program, a faulty work-authorization verification system, from being included in the final version of the federal economic stimulus bill.

2/10/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090197 **[Tax Exempt and Taxable Revenue Certificates of Participation]** **Mayor**

Resolution of the City and County of San Francisco authorizing the execution and delivery from time to time of its Tax-Exempt and Taxable Lease Revenue Commercial Paper Certificates of Participation in an amount not to exceed $150,000,000 in order to provide short-term financing to pay for certain capital improvements, and approving and authorizing execution of a trust agreement and certain financing documents and authorizing other related actions.

(Fiscal Impact.)

2/10/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081394 **[Adoption of the Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) Three Year Program and Expenditure Plan and Accept and Expend additional PEI Allocation- $874,700]**

Resolution authorizing the adoption of the Mental Health Services Act Prevention and Early Intervention (PEI) Three Year Program and Expenditure Plan and authorizing the Department of Public Health to accept and expend the additional PEI allocation totaling $874,700. (Public Health Department)

11/21/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

2/10/09, SUBSTITUTED. Supervisor Avalos submitted a substitute resolution bearing new title.

2/10/09, ASSIGNED to Budget and Finance Committee.

Requests for Hearing

090173 **[Impact on Public Safety of Juvenile Probation Department budget cuts]** **Supervisor Campos**

Hearing on the impact on public safety of Juvenile Probation Department budget cuts.

2/10/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090174 **[Removal of proposed child care facility at 525 Golden Gate Avenue]** **Supervisor Dufty**

Hearing on the decision by the San Francisco Public Utilities Commission to remove the proposed child care facility from their new building proposed to be built at 525 Golden Gate Avenue.

2/10/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090175 **[Community input on the creation of jobs in San Francisco]** **Supervisor Mar**

Hearing to obtain community input on the creation of jobs, particularly green collar jobs, in San Francisco as the City is positioning itself for Federal investment dollars.

2/10/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090176 **[Federal, State and Local Stimulus Dollars - how it would affect the SFUSD, SFCCD, pre-school and after school programs in S.F.]** **Supervisor Mar**

Hearing to consider how federal, state and local stimulus dollars would affect the San Francisco Unified School District (SFUSD), San Francisco Community College District (SFCCD), and pre-school and after school programs in San Francisco. Also to consider the use and impact of Rainy Day Funds for the SFUSD.

090177 **[Final Report of the Fair Lending Working Group]** **Supervisor Maxwell**

Hearing on the Final Report of the Fair Lending Working Group.

2/10/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090188 **[Public Hearing - To consider ordinance adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of**

Hearing to consider the possible adoption of an ordinance adopting and submitting to the voters the ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that state law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if state law authorizes the City to impose it and directing submission of the measure for voter approval at the June 2, 2009 special election.

2/10/09, ASSIGNED to Board of Supervisors. Committee of the Whole on February 17, 2009.

090185 **[Board of Supervisors to sit as a Committee of the Whole - February 17, 2009 - Vehicle License Fee]** **Supervisor Chiu**

Motion that the Board convenes as a Committee of the Whole on February 17, 2009, to consider Board of Supervisors file number 090136, a measure adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration.

2/10/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090186 **[Waiving Board Rule 4.19 regarding consideration of Mayoral veto]** **Supervisor Chiu**

Motion that the Board waives Board Rule 4.19 regarding consideration of a Mayoral veto.

2/10/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Charter Amendments

090007 **[Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]** **Supervisors Elsbernd, Chu**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.

1/6/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/5/2009. 1/26/09, received legislative digest, 30-day Rule ends February 25, 2009.

2/3/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing new title. 2/9/09 - Response received from Planning Department on First Draft.

2/3/09, ASSIGNED to Rules Committee.

2/10/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing same title.

2/10/09, ASSIGNED to Rules Committee.

090139 **[Set-Asides]** **Supervisors Mirkarimi, Chiu, Elsbernd**

Charter Amendment (Second Draft) to amend Charter of the City and County of San Francisco by adding Section 9.12[illegible] on all Charter set-asides, authorize reductions during fiscal shortfalls and waiver during emergencies, authorize the return of [illegible] balances, adjust mandatory service levels, and establish City policies regarding future set-asides and non-binding measures

2/3/09, RECEIVED AND ASSIGNED to Rules Committee. Response received from Planning Department on version 1, February [illegible] 2009.

2/10/09, ASSIGNED to Rules Committee.

2/10/09, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute Charter Amendment bearing new title.

PROPOSED ORDINANCES

090108 **[De-appropriating $11,617,063 of Water System Improvement Program funding at the San Francisco Public Utilities Commission]**

Ordinance de-appropriating $11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission. (Public Utilities Commission)

1/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Elsbernd

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft a Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from the City Attorney in light of significant exposure to litigation with the Roman Catholic Archdiocese of San Francisco related to the application of the City's Documentary Transfer Tax to certain property transfers. The Assessor-Recorder is authorized and is urged to attend. Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the potential litigation.

From: Supervisor Dufty

To: Ed Harrington, General Manager

Requesting/Inquiring: Inquiring to General Manager Ed Harrington as to the reasons and rationale for removing the proposed child care facility from the plans for the new SFPUC building located at 525 Golden Gate Avenue and what other changes/revisions have been made from the original plan submitted by the PUC.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Utility Boxes

Northeast corner Buchanan & Oak

Northwest corner Hayes and Webster

Garbage Cans

Southeast corner of Haight & Fillmore

Northeast corner of Cole and Haight

Northwest corner of Buchanan and Haight

Southeast corner Shrader & Haight

Fire Hydrant

Southeast corner Haight & Webster

Northeast corner Waller & Webster

From: Supervisor Mirkarimi

To: Director, Department of Public

In Memoriams

Joseph "Bud" Robbins - Supervisor Chu

Matthew Joseph Mirabella - Supervisor Chu

Jack McGowan - Supervisors Dufty and Campos

Myron Edward - Supervisor Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:22 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 17, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

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AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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MEETING MINUTES

Tuesday, February 24, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting
Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were present.

APPROVAL OF MEETING MINUTES

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved to approve the January 6, 2009 and January 8, 2009 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Angela Caluillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of carrespondence from the Mayor on February 13, 2009, communicating the Mayor's Veto of legislation contained in File No. 090010 and File No. 090106 regarding calling for a June 2, 2009, special election and emergency ordinance modifying various election procedures and deadlines for a June 2, 2009 special election.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090043 **[Approving First Amendment to Agreement between the San Francisco Public Utilities Commission and Santa Clara Valley Water District for Operation and Maintenance of the Intertie pursuant to**

Resolution approving First Amendment to the Operation and Maintenance Agreement between the San Francisco Public Utilities Commission (SFPUC) and Santa Clara Valley Water District (SCVWD) for the Intertie pursuant to Charter Section 9.118. (Public Utilities Commission)

Enacted Number: 60-09

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

090025 **[Accept-Expend federal grant funds to support HIV/AIDS services - $4,758,228]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a funding award entitled the Ryan White HIV/AIDS Treatment Modernization Act Grant (Ryan White Part A Program), in the amount of $4,758,228, for the San Francisco Eligible Metropolitan Area, from the Health Resources and Services Administration (HRSA), to support HIV/AIDS health services; for the period of February 1, 2009 through June 30, 2009.

Enacted Number: 53-09

ADOPTED

Recommendation of the Government Audit and Oversight Committee

081448 **[Juvenile Probation and Camp Funding Grant Program]** **Supervisor Maxwell**

Resolution authorizing the Juvenile Probation Department to participate in the State of California's Juvenile Probation and Camp Funding Program, to receive funds for direct services to eligible children and their families.

Enacted Number: 58-09

ADOPTED

Recommendations of the Rules Committee

081320 **[Appointment, Child Care Planning and Advisory Council - Candace Wong]**

Motion appointing Candace Wong, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

Candace Wong, succeeding herself, term expiring, seat 3, must be a nominee ofDistrict 3 Supervisor selected from parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative." Initial term 3 Years beginning 1/1/03; subsequent terms 3 Years.

Enacted Number: M09-29

APPROVED

090055 **[Appointment, Elections Commission - Gerard Joseph Gleason]**

Motion appointing Gerard Joseph Gleason, term ending January 1, 2014, to the Elections Commission.

Gerard Joseph Gleason, succeeding himself, term expired, seat 1, must be broadly representative of the general public, for a five-year term ending January 1, 2014. (Proposition B, adopted at the November 2007 election, adds Section 4.101.5 to the Charter. The section prohibits appointed members serving on Charter-created boards or commissions from serving as hold-overs for more than 60 days after the end of their terms).

Enacted Number: M09-28

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Supervisor Avalos, seconded by Supervisor Dufty, moved to table the consideration of the Mayor's veto relating to File No. 090010, a Resolution calling for a June 2, 2009, special election and File No. 090106, an Ordinance relating to an emergency Ordinance modifying election procedures and deadlines for a June 2, 2009, special election.

Motion to table this matter was passed by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081604 **[Amending FY 2008-2009 Annual Salary Ordinance]** **Mayor**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of the following four positions: one 5642 Senior Environmental Specialist (0.30 FTE); two 5640 Environmental Specialists (0.30 FTE each); and one 5638 Environmental Assistant (0.30 FTE) at the Department of the Environment.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090097 **[Administrative Code Revision: Health Service System]** **Supervisor Elsbernd**

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section [illegible] regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090108 **[De-appropriating $11,617,063 of Water System Improvement Program funding at the San Francisco Public Utilities Commission]**

Ordinance de-appropriating $11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission. (Public Utilities Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090098 **[Establishing Monthly Contribution Amount to Health Service Trust Fund]** **Supervisor Elsbernd**

Resolution establishing monthly contribution amount to Health Service Trust Fund.

(Fiscal Impact.)

Enacted Number: 62-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081394 **[Adoption of the Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) Three Year Program and Expenditure Plan and Accept and Expend additional PEI Allocation- $874,700]**

Resolution authorizing the adoption of the Mental Health Services Act Prevention and Early Intervention (PEI) Three Year Program and Expenditure Plan and authorizing the Department of Public Health to accept and expend the additional PEI allocation totaling $874,700. (Public Health Department)

Enacted Number: 59-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation

090134 **[One-half of one percent (0.50%) Sales Tax Increase for Emergency Health and Human Services and Public Protection]** **Supervisor Avalos**

Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide support for emergency health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the June 2, 2009 election.

(Economic Impact)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090133 **[Ordering Submission of Gross Receipts Tax to Voters]** **Supervisor Avalos**

Motion ordering submitted to the voters an "Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Gross Receipts Tax Ordinance), Sections 951 through 958, to impose a gross receipts tax on persons engaging in business activities in San Francisco; (2) amend Article 12 (Business Registration Ordinance) to conform business registration requirements with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); (3) amend Article 6 (Common Administrative Provisions) to conform them with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); and (4) amend Article 12-A (Payroll Expense Tax Ordinance) to conform it with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance)" at an election to be held on June 2, 2009.

(Economic Impact)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Motion be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090135 **[Ordering Submission of Proposed Payroll Expense Tax Amendment to Voters]** **Supervisor Chiu**

Motion ordering submitted to the voters an "Ordinance amending (1) Section 903.1 to reduce the Payroll Expense Tax rate from 1.5% to 1.0%, for business whose taxable payroll expense exceeds $300,000, but is less than or equal to $400,000, beginning with the 2010 tax year; and (2) Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is $300,000 or less, beginning with the 2010 tax year" at an election to be held on June 2, 2009.

(Economic Impact)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Motion be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081356 **[Zoning Map Amendment - 483 Bosworth Street, also known as 1 Lyell Street]**

Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco to change the zoning of the property located at 483 Bosworth Street, also known as 1 Lyell Street, Assessor's Block 6753, Lot 063 from P (Public) to RH-2 (Residential, House Districts, Two-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090099 **[Re-establishing the name of the Richmond District]** **Supervisor Mar**

Ordinance rescinding Ordinance 4397 and re-establishing the name of the area north of Golden Gate Park and west of Arguello Boulevard as the Richmond District.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

081512 **[Workforce Development - First Source Hiring Program]** **Supervisors Mirkarimi, Maxwell, Campos**

Ordinance amending Administrative Code Chapter 83, Section 83.18 to eliminate the expiration date of the First Source Hiring Program, and Section 83.10 to eliminate the attorneys fees provision.

Supervisor Campos requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos Excused From Voting

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Avalos from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

090056 **[Appointment, Association of Bay Area Governments Executive Board - Supervisor John Avalos]**

Motion appointing Supervisor John Avalos, term ending June 30, 2009, to the Association of Bay Area Governments Executive Board.

Supervisor John Avalos, succeeding Supervisor Chris Daly, resigned, seat 1, must be a member of the Board of Supervisors, for the unexpired portion of a two-year term ending June 30, 2009.

Enacted Number: M09-27

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Supervisor Avalos Excused From Voting

Supervisor Dufty, seconded by Supervisor Campos, moved to excuse Supervisor Avalos from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

090163 **[Appointment, SF Local Agency Formation Commission - Supervisor John Avalos]**

Motion appointing Supervisor John Avalos, as an alternate member, term ending February 4, 2010, to the San Francisco Local Agency Formation Commission.

Supervisor John Avalos, succeeding Aaron Peskin, seat 5, must be an alternate member of the San Francisco Local Agency Formation Commission, for unexpired portion of a four-year term ending February 4, 2010.

Enacted Number: M09-26

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Supervisors Dufty, Elsbernd, Chu Excused From Voting

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to excuse Supervisors Dufty, Elsbernd and Chu from voting on this matter. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Excused: 3 - Chu, Dufty, Elsbernd

090078 **[Appointments, Golden Gate Bridge, Highway and Transportation District-Supervisors Bevan Dufty, Sean Elsbernd and Carmen Chu]**

Motion appointing Supervisors Bevan Dufty, Michela Alioto-Pier, Sean Elsbernd and Carmen Chu, as members of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2011.

Supervisor Alioto-Pier moved to divide the question relating to her appointment to the Golden Gate Bridge. (See File No. 090207) by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Excused: 3 - Chu, Dufty, Elsbernd

Motion appointing Supervisors Bevan Dufty, Sean Elsbernd and Carmen Chu, as members of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2011.

APPROVED by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Excused: 3 - Chu, Dufty, Elsbernd

Supervisor Alioto-Pier Excused From Voting

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to excuse Supervisor Alioto-Pier from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

090207 **[Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor David Campos]**

Motion appointing Supervisor Michela Alioto-Pier as a member of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, term ending January 31, 2011.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

Supervisor Dufty Excused From Voting

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Dufty from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090053 **[Appointment, SF Local Agency Formation Commission - Supervisor Bevan Dufty]**

Motion appointing Supervisor Bevan Dufty, term ending February 20, 2011, to the San Francisco Local Agency Formation Commission

Supervisor Bevan Dufty, succeeding Jake McGoldrick, seat 1, must be a member of the San Francisco Board of Supervisors, for unexpired portion of a four-year term ending February 20, 2011.

Enacted Number: M09-24

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

Supervisor Mar Excused From Voting

Supervisor Avalos, seconded by Supervisor Campos, moved to excuse Supervisor Mar from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

090164 **[Appointment, SF Local Agency Formation Commission - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar, term ending August 27, 2009, to the San Francisco Local Agency Formation Commission.

Supervisor Eric Mar, succeeding Matt Gonzalez, seat 2, must be a member of the San Francisco Board of Supervisors, for unexpired portion of a four-year term ending August 27, 2009.

Enacted Number: M09-23

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed and presented Certificates of Honor to Richard Rothman and David Williams in recognition of their retirement from the City and County of San Francisco.

Supervisor Alioto-Pier welcomed and presented Certificates of Honor to the following students from the Schools of the Sacred Heart who participated in the Heart to Heart Backpack Drive: Alexander Zaldastani, Charles Phillips, Hao Tran, Jackson Weber, Michael Hasson, Quentin Favia, Sarah Armstrong, Sarah Bloch, Sarah Cook, Bettina Alessandria, Caroline Bertain, and Alexander Fish.

Supervisor Alioto-Pier welcomed and presented Certificates of Honor to Barbara Murphy and Kevin Marlatt representing the Blue Bear School of Music.

COMMITTEE REPORTS

090044 **[Settlement of Lawsuit - Computers For Marketing Corporation - $42,000]**

Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for $42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090045 **[Settlement of Lawsuit - Susan Howard - $175,000]**

Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for $175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090157 **[Settlement of Lawsuit - Mehrdad Alemozaffar - $350,000]** **Supervisor Daly**

Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehrdad Alemozaffar and against the City and County of San Francisco in the amount of $350,000 in settlement of the lawsuit filed on July 20, 2007 in United States District Court, Case No. C07-4494 JSW entitled Mehrdad Alemozaffar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090052 **[Settlement of Administrative Enforcement Action - $87,000]**

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of $87,000. (Public Utilities Commission)

Enacted Number: 54-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library

Peter Cheirnoff; expressed concern with issues relating to violation of human rights

Doug Galar; expressed concern with issues relating to violation of human rights

Male speaker; expressed concern with issues relating to the possible loss of the Public Access channel

Female speaker; expressed appreciation for Comedy Day in the Park and for the founder of Comedy Day in the Park, Jose Simone

Male speaker; expressed concern with issues relating to religious beliefs

Earl Rodgers; expressed concern with issues relating to violence and the selling of drugs in the Tenderloin

John di Donna; expressed concern with issues relating to the homeless population in San Francisco

Ace Washington; expressed concern with issues relating to violence in the Western Addition

Pas Aries; expressed concern with issues relating to the Western Addition small businesses

Randall Evans; expressed concern with issues relating to the African-American community and the SF Redevelopment Agency

Mrs. Brown; expressed concern with issues relating to the death of her son and violence in San Francisco

Champagne; expressed concern with issues relating to the death of her brother and violence in San Francisco

Francisco Da Costa; expressed concern with issues relating to the violence and deaths of the youth in San Francisco

Edward Sharpless; expressed concern with issues relating to the new rules for the Bay to Breakers

Connor Johnson; expressed concern with issues relating to the new rules for the Bay to Breakers

CLOSED SESSION

090201 **[Closed Session - Conference with City Attorney, Significant Exposure to Litigation with the Roman Catholic Archdiocese of S.F.]** **Supervisor Elsbernd**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from the City Attorney in light of significant exposure to litigation with the Roman Catholic Archdiocese of San Francisco relating to the application of the City's Documentary Transfer Tax to certain property transfers.

Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning matters would likely and unavoidably prejudice the position of the City in the potential litigation

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The Board recessed at the hour of 3:59 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:

Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Persons in attendance:

Cheryl Adams, Deputy City Attorney

Phil Teng, Assessor-Recorder

Julie Van Nostern, Deputy City Attorney

Jim Emmery, Deputy City Attorney

Zoon Nguyen, Representative, Assessor-Recorder

Craig Dziedzic, Representative, Assessor-Recorder

Angela Calvillo, Clerk of the Board

Kay Gulbengay, Deputy Clerk of the Board

Reconvening of the Board

The Board at the hour of 4:42 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose] Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CLOSED SESSION

090122 **[Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]** **Supervisor Avalos**

Motion that the Board of Supervisors convene in closed session with the Mayor's Office and the Department of Human Resources concerning negotiations with Labor Unions representing City Workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The Board recessed at the hour of 4:44 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:

Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Persons in attendance:

Cheryl Adams, Deputy City Attorney

Micki Callahan, Director of Department of Human Resources

Steve Ponder, Representative of the Department of Human Resources Compensation

Ben Rosenfield, Controller

Steve Kawa, Mayor's Chief of Staff

Nani Colleretti, Mayor's Budget Director

Angela Calvillo, Clerk of the Board

Kay Gulbengay, Deputy Clerk of the Board

Reconvening of the Board

The Board at the hour of 5:36 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose] Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090189 **[Susan Langlands Day - February 28, 2009]** **Supervisors Avalos, Campos**

Resolution declaring February 28, 2009 "Susan Langlands Day" in the City & County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 57-09

ADOPTED

090190 **[Commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District]** **Supervisors Dufty, Campos**

Resolution commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 55-09

ADOPTED

090191 **[Amended Landmark Tree Criteria, Nomination and Evaluation Forms]** **Supervisors Mar, Campos**

Resolution amending Landmark Tree Criteria, Nomination and Evaluation Forms to be used in the implementation of a nomination, evaluation, and removal process for landmark trees in the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 63-09

ADOPTED

090192 **[Commending Star of the Sea School on their 100th year anniversary]** **Supervisors Mar, Campos**

Resolution commending Star of the Sea School on their 100th year anniversary.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 56-09

ADOPTED

090193 **[Requesting establishment of the Office of Urban Policy in President Obama's Administration]** **Supervisors Mirkarimi, Campos**

Resolution requesting that the proposed Office of Urban Policy in President Obama's Administration form a permanent advisory group to help guide that office in its efforts to provide assistance to our nation's urban areas.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 64-09

ADOPTED

090165 **[Final Map - 1299 Bush Street]**

Motion approving Final Map 5079, a 26 Unit Residential and 1 Unit Commercial Mixed-Use Condominium Project, located at 1299 Bush Street being a subdivision of Lot 014 in Assessors Block No. 0279 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,048; District 3.)

Enacted Number: M09-30

APPROVED

090167 **[Final Map - 2101 and 2125 Bryant Street]**

Motion approving Final Map 4478, a 76 Unit Residential Condominium Project, located at 2101 and 2125 Bryant Street being a subdivision of Lot 065 in Assessors Block No. 4080 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,035; District 6.)

Enacted Number: M09-31

APPROVED

090168 **[Final Map - 4451-4455 Mission Street]**

Motion approving Final Map 5325, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 4451 - 44[illegible] Mission Street being a subdivision of Lots 022A and 022B in Assessors Block No. 6013 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,037; District 11.)

Enacted Number: M09-32

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from For Adoption Without Committee Reference Agenda

Supervisor Avalos requested that this matter be severed so that it might be considered separately.

090186 **[Waiving Board Rule 4.19 regarding consideration of Mayoral veto]** **Supervisor Chiu**

Motion that the Board waives Board Rule 4.19 regarding consideration of a Mayoral veto.

Enacted Number: M09-22

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

090166 **[Final Map - 1315-1327 7th Avenue]**

Motion approving Final Map 4654, an 11 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 1315 - 1327 7th Avenue being a subdivision of Lot 052 in Assessors Block No. 1762 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,050; District 5.)

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090213 **[Celebrating the Opening of the New Portola Branch Library on February 28, 2009]** **Supervisors Maxwell, Campos**

Resolution recognizing the Grand Opening of the new Portola Branch Library and commending the community and the San Francisco Public Library team for their hard work and commitment to San Francisco and the residents of the Portola district.

Enacted Number: 61-09

ADOPTED.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090219 **[Amendment to post-employment restrictions]** **Supervisor Elsbernd**

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to extend the one-year restriction on communicating with one's former department to employees and officers who have transferred departments within the City, and to provide that an employee or officer may not be employed by a party to a City contract within one year after the contract date if the employee or officer participated personally and substantially in the award of the contract.

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090222 **[Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]** **Mayor, Supervisor Maxwell**

Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

(Economic Impact)

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

090223 **[Schlage Lock/Visitacion Valley Special Use District]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.

(Economic Impact)

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

090224 **[Zoning Map Amendments In Connection With Visitacion Valley Redevelopment Plan]** **Supervisor Maxwell**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

090225 **[Residential Water Conservation Ordinance Amendments]** **Mayor, Supervisor Maxwell**

Ordinance amending Chapters 12 and 12A of the San Francisco Housing Code to conserve existing water supplies by reducing the overall demand for water in residential buildings by amending the standards for required water conservation devices and requiring leak repair in all residential buildings, except for tourist hotels and motels, upon the occurrence of specific events.

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009. 3/2/09 - Referred to the Building Inspection Commission and the Small Business Commission for review and comment.

090226 **[Commercial Water Conservation Ordinance Amendments]** **Mayor, Supervisor Maxwell**

Ordinance amending Chapter 13A of the San Francisco Building Code to improve the water efficiency of commercial buildings by requiring water conservation devices to be installed no later than January 1, 2017, or upon major additions or improvements.

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009. 3/2/09 - Referred to the Building Inspection Commission and the Small Business Commission for review and comment.

090227 **[Building Code - Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that in the RTO and NCT zoned portions of the Market & Octavia Area Plan within the boundaries of District Five, an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where a Certificate of Occupancy would be issued under the Code, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building.

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009. 3/2/09 - Referred to the Building Inspection Commission and the Small Business Commission for review and comment.

090228 **[Temporary Revision of Payroll Expense Tax to Stimulate Job Retention and Creation]** **Mayor, Supervisor Dufty**

Ordinance amending the San Francisco Business and Tax Regulations Code, Payroll Expense Tax Ordinance, by adding Section 905 to permit the Payroll Expense Tax owed for the year 2009 to be paid at the lower of the amount owed for 2008 or 2009 and for the year 2010 to be paid at the lower of the amount owed for 2008 or 2010, but not reducing any taxes attributable to payroll expenses for owners or beneficiaries of pass-through entities and others.

(Economic Impact) (Fiscal Impact)

2/24/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/26/2009.

090229 **[Temporary benefit payment to encourage investment]** **Mayor, Supervisor Dufty**

Ordinance amending the San Francisco Administrative Code by adding Section _____ to provide a two year benefit payment for persons who purchase taxable business property in San Francisco in calendar year 2009.

(Economic Impact)

2/24/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/26/2009

090230 **[MOU, Amendment No. 1 - Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.)]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011

2/24/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

080323 **[Place of Entertainment Permits and Board of Appeals procedures]** **Mayor, Supervisor Maxwell**

Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060, 1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.[illegible] and 1060.29, by adding Sections 1060.20.1, 1060.20.2, 1060.20.3, 1060.20.4, 1060.24.1, 1060.24.2, 1060.29.1, 1060.30, 1060.31, 1060.32, 1060.33, and 1060.34, by repealing Sections 1060.4, 1060.20, and 1060.22, and by adding new Sections 1060.4 and 1060.20 relating to the application, approval, amendment, suspension, revocation, and transfer of Place of Entertainment Permits and One Night Event Permits (now called "One Time Event Permits"), including changes in penalties, and amending the San Francisco Business and Tax Regulations Code by amending Sections 8 and 26 to provide the time for appealing to the Board of Appeals, to provide an additional category of permit suspension and revocation actions that are not suspended pending a decision by the Board of Appeals, and to clarify the standards governing the review of permits.

3/4/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 4/7/2008. (Referred to Entertainment Commission for informational purposes.) (Referred to Small Business Commission for comment and recommendation.)

6/3/08, RESPONSE RECEIVED. The Small Business Commission unanimously approved the proposed ordinance.

10/28/08, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

10/28/08, ASSIGNED to City Operations and Neighborhood Services Committee.

2/24/09, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

2/24/09, ASSIGNED to City Operations and Neighborhood Services Committee.

080324 **[Extended-Hours Premises Permits]** **Mayor, Supervisor Maxwell**

Ordinance amending the San Francisco Police Code by amending Sections 1070, 1070.1, 1070.2, 1070.3, 1070.5, 1070.7, 1070.8, 1070.1[illegible], 1070.22, and 1070.24, by adding Sections 1017.17.1, 1017.17.2, 1017.17.3, 1070.28, 1070.29, 1070.30, 1070.31, 1070.32, and 1070.33, by repealing Sections 1070.4, 1070.12, 1070.17, 1070.20, 1070.20-1, 1070.21, and 1070.26; and by adding new Sections 1070.4, 1070.17, and 1070.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Extended-Hours Premises Permits, including changes in penalties.

3/4/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 4/7/2008. (Referred to Entertainment Commission for informational purposes.) (Referred to Small Business Commission for comment and recommendation.)

6/3/08, RESPONSE RECEIVED. The Small Business Commission unanimously approved the proposed ordinance.

10/28/08, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

10/28/08, ASSIGNED to City Operations and Neighborhood Services Committee.

2/24/09, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

2/24/09, ASSIGNED to City Operations and Neighborhood Services Committee.

080380 **[Unsolicited Print Publications--Stop Distribution Notice]** **Supervisor Mirkarimi**

Ordinance amending Section 184.69 - 184.72 and 184.74 of the Public Works Code to require publishers of unsolicited print publications to provide a toll-free number or an e-mail address for residents who do not want to receive such print publications; to prohibit the distribution of such print publications to residents who request not to receive such print publications; and to assess penalties.

3/18/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

4/1/08, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

4/1/08, ASSIGNED to City Operations and Neighborhood Services Committee.

4/4/08, REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation.

6/12/08, RESPONSE RECEIVED. The Small Business Commission will vote on the proposed ordinance at its July 2008 meeting. (The Commission encourages sponsor of legislation to meet with the neighborhood and small newspapers.)

2/4/09, FILED PURSUANT TO RULE 5.37.

2/24/09, ASSIGNED to City Operations and Neighborhood Services Committee.

2/24/09, REACTIVATED PURSUANT TO RULE 5.23. Supervisor Mirkarimi requested this matter be reactivated.

Resolutions

090213 **[Celebrating the Opening of the New Portola Branch Library on February 28, 2009]** **Supervisors Maxwell, Campos**

Resolution recognizing the Grand Opening of the new Portola Branch Library and commending the community and the San Francisco Public Library team for their hard work and commitment to San Francisco and the residents of the Portola district

2/24/09, ADOPTED.

090220 **[Apply-accept-expend State Grant funds - Recreation and Park Department - $65,000]** **Supervisor Mar**

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Public Education Grant administered by the California Department of Forestry and Fire Protection in the amount of $65,000 for the Urban Forestry Project.

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090221 **[Apply-accept-expend State Grant funds - Recreation and Park Department - $200,000]** **Supervisor Mar**

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Inventory Grant administered by the California Department of Forestry and Fire Protection in the amount of $200,000 for the Urban Forestry Inventory Project.

(Fiscal Impact.)

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090240 **[Declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District]** **Mayor, Supervisors Dufty, Avalos, Chiu, Alioto-Pier, Campos, Maxwell, Mirkarimi, Chu, Mar**

Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2009-2010 school year.

(Fiscal Impact.)

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090241 **[90 day extension for Historic Preservation Commission review - The Metro Theatre]** **Supervisor Alioto-Pier**

Resolution extending by 90 days the prescribed time within which the Historic Preservation Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090242 **[Urging passage of the Marijuana Control, Regulation and Education Act (AB 390) which would tax and regulate marijuana in a manner similar to alcohol]** **Supervisors Campos, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi, Dufty**

Resolution supporting the recently proposed state legislation, the Marijuana Control, Regulation and Education Act (AB 390), which would tax and regulate marijuana in a manner similar to alcohol.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090243 **[Urging Congress to pass the Uniting American Families Act]** **Supervisors Campos, Dufty, Avalos, Chiu**

Resolution urging Congress to pass the Uniting American Families Act and supporting the removal of legal barriers to immigration by permanent same-sex partners.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090246 **[Urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California]** **Supervisors Campos, Avalos, Daly, Mar, Mirkarimi, Chiu**

Resolution urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090247 **[Celebrating the reopening of the Angel Island Immigration Station]** **Supervisors Mar, Chiu, Chu**

Resolution celebrating the reopening of the Angel Island Immigration Station.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090248 **[Accept-Expend State Grant - Sheriff's Department - $96,885]** **Supervisor Mirkarimi**

Resolution authorizing the Sheriff's Department of the City and County of San Francisco to accept and expend $96,885 in additional funds from the Corrections Standards Authority for the standards and training of local corrections and probation officers programs; stipulating adherence to standards for recruitment and training established by the Corrections Standards Authority, waiving any indirect costs.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090249 **[Urging the organizers of the Bay to Breakers to collaborate on a comprehensive plan that protects the neighborhoods while preserving the unique spirit of the race]** **Supervisors Mirkarimi, Mar, Avalos, Maxwell, Campos, Dufty, Chiu**

Resolution urging the sponsors of the Bay to Breakers race to work with city agencies, neighborhood groups, and race advocates to develop a comprehensive plan that protects the host neighborhoods while preserving the unique spirit of the race.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Hearings

090214 **[Culture and Recreation Departments budget submission to the Mayor's Office on the proposed mid-year cuts]** **Supervisor Avalos**

Hearing to consider Culture and Recreation Departments including the Recreation and Park Department's and the Fine Arts Museum's February 20, 2009 departmental budget submissions to the Mayor's Office, proposed mid-year reductions and layoffs, major changes to departmental budgets including plans for consolidation, new initiatives, proposed layoffs and service cuts, impacts to non-profit service delivery, fee increases and other options for increasing revenues.

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090215 **[General Services Agency budget submissions to the Mayor's Office on the proposed mid-year cuts]** **Supervisor Avalos**

Hearing to consider the General Services Agency Budget, including Department of Public Works, Department of [illegible] Projects' February 20, 2009 departmental budget submissions to the Mayor's Office, proposed mid-year reductions and layoffs, major changes to departmental budgets including plans for consolidation, new initiatives, proposed layoffs and service cuts, impacts to non-profit service delivery, fee increases and other options for increasing revenues.

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090216 **[Health and Human Services Departments budget submission to the Mayor's Office on the proposed mid-year cuts]** **Supervisor Avalos**

Hearing to consider Health and Human Services Departments: Human Services Agency (HSA), Department of Public Health (DPH) and Department of Children, Youth, and their Families' (DCYF) February 20, 2009 departmental budget submissions to the Mayor's Office proposed mid-year reductions and layoffs, major changes to departmental budgets including plans for consolidation, new initiatives, proposed layoffs and service cuts, impacts to non-profit service delivery, fee increases and other options for increasing revenues

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090217 **[Public Safety Departments budget submission to the Mayor's Office on the proposed mid-year cuts]** **Supervisor Avalos**

Hearing to consider Public Safety Departments including the Police, Fire, Sheriff, District Attorney, Public Defender, Adult Probation and Juvenile Probation Departments' February 20, 2009 departmental budget submissions to the Mayor's Office, proposed mid-year reductions and layoffs, major changes to departmental budgets including plans for consolidation, new initiatives, proposed layoffs and service cuts, impacts to non-profit service delivery, fee increases and other options for increasing revenues.

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090218 **[2009 Summer Programs for Children and Youth in San Francisco]** **Supervisor Elsbernd**

Hearing to review the 2009 summer programs for children and youth in San Francisco in order to discuss what programs will be available to the public and how best to access these programs. Hearing will also address current collaboration between the city, school district, and community partners to provide summer programs, and recommend ways to better coordinate in the future. Hearing will examine ways to more effectively promote these programs in order to increase awareness as to the availability of these opportunities.

2/24/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Motions

090231 **[Extending Time for Negotiations with Labor Unions to June 30, 2009]** **Mayor**

Motion extending time for negotiations pursuant to Charter Section 11.100.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090232 **[Appointment, Historical Preservation Commission - Ruth Todd]**

Motion approving the Mayor's nomination for appointment of Ruth Todd to the Historical Preservation Commission, Seat No. 2, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090233. Transmittal date - February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090233 **[Appointment, Historical Preservation Commission - Ruth Todd]**

Motion rejecting the Mayor's nomination for appointment of Ruth Todd to the Historical Preservation Commission, Seat No. 2, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090232. Transmittal date - February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090234 **[Appointment, Historical Preservation Commission - Tim Kelley]**

Motion approving the Mayor's nomination for appointment of Tim Kelley to the Historical Preservation Commission, Seat No. 4, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090235. Transmittal date - February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090235 **[Appointment, Historical Preservation Commission - Tim Kelley]**

Motion rejecting the Mayor's nomination for appointment of Tim Kelley to the Historical Preservation Commission, Seat No. 4, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090234. Transmittal date - February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090236 **[Appointment, Historical Preservation Commission - Diane Matsuda]**

Motion approving the Mayor's nomination for appointment of Diane Matsuda to the Historical Preservation Commission, Seat No. 7, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090237. Transmittal date - February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090237 **[Appointment, Historical Preservation Commission - Diane Matsuda]**

Motion rejecting the Mayor's nomination for appointment of Diane Matsuda to the Historical Preservation Commission, Seat No. 7, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090236. Transmittal date - February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090239 **[Adopting a proposed schedule of audits to be conducted of programs of City and County departments]** **Supervisor Mirkarimi**

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

090117 **[Settlement of Lawsuit - Antia Lelaind - $175,000]**

Ordinance authorizing settlement of the lawsuit filed by Antia Lelaind against the City and County of San Francisco et al. for $175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. C06-05870 MHP; entitled Antia Lelaind v. City and County of San Francisco, et al. (City Attorney)

2/10/09, RECEIVED AND ASSIGNED to Rules Committee.

090158 **[Settlement of Lawsuit - Mark Boyd - $85,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for $85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

2/11/09, RECEIVED AND ASSIGNED to Rules Committee.

090170 **[Mission Bay North-Acceptance of Blocks N4, N4A and N5 Public Infrastructure Improvements]**

Ordinance accepting the Mission Bay Blocks N4, N4A and N5 Public Infrastructure Improvements on Berry Street Connector Road, King Street Frontage Road and portions of Berry Street and Fifth Street; designating street grades and sidewalk widths; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,006; and authorizing official acts in connection with this ordinance. (Public Works Department)

2/6/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090171 **[Mission Bay-Acceptance of 16th Street and Vermont Street Intersection Public Infrastructure Improvements]**

Ordinance accepting the 16th Street and Vermont Street Intersection Public Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and authorizing official acts in connection with this ordinance. (Public Works Department)

2/6/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090172 **[Settlement of complaint before the Federal Energy Regulatory Commission and approval of Revised Procedures]**

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities. (Public Utilities Commission)

2/9/09, RECEIVED AND ASSIGNED to Rules Committee.

090199 **[Conflict of Interest Code Amendments]**

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-145, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories. (Clerk of the Board)

2/12/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/26/2009.

090202 **[Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]**

Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Map of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

2/13/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009

090203 **[Zoning Map Amendment - 401 - 421 Shields Street]**

Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047, 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

2/13/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009

PROPOSED RESOLUTIONS

090155 **[Settlement of Claim - Deo Dutt - $98,443.83]**

Resolution approving the settlement of unlitigated claim of State Farm Insurance Company as subrogee for Deo Dutt against the City and County of San Francisco for $98,443.83; claim was filed on October 21, 2008. (City Attorney)

2/10/09, RECEIVED AND ASSIGNED to Rules Committee.

090198 **[Accept and Expend Federal Grant Funds - San Francisco Fire Department - $297,030]** **Supervisor Dufty**

Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of $297,030 from the Federal Emergency Management Agency (FEMA) to develop and implement an Advanced Driver Training Program for its uniformed employees. (Fire Department)

2/11/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Dufty requested to be added as sponsor.

Requests Granted

From: Supervisor Mirkarimi
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft an ordinance requiring any supermarket that would establish a convenience zone, as designated by the State Department of Conservation, but does not currently have a recycling redemption center on site, to offer in-store redemption for recycling beverage containers, or to establish a recycling redemption center.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
Northeast corner Bush & Laguna
Northwest corner Ashbury & Waller
On Haight near Central (south side of street)
Northeast corner Bush and Laguna

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes
On Lincoln, from 7th Avenue to 19th Avenue (street patches are crumbling also around sewer manholes)
On Fillmore between Turk and O'Farrell

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

619 Webster (on fence)
250 Scott
1160 Oak
401 Haight
484 Haight
44 Haight
445 Scott
1401 Haight
1372 Haight
1352 Haight
400 Page
428 Haight
485 Scott

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole
In front of 1157 Fell
Southeast corner Fell & Scott
Northeast corner Lyon & Scott
Southwest corner of Grove & Scott
Northwest corner Laguna & Haight

Wood Pole
Northwest corner Page & Webster
In front of 408 Buchanan

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian:
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle:
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Ave.
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner:
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily:
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly:
Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes
Northeast corner & Steiner
Northeast corner Bush & Buchanan
Northeast corner Oak and Buchanan
Northeast Fell and Buchanan
In front of 1213 Fell
Southwest corner Turk & Pierce
Southwest corner Turk & Webster
Southwest corner Golden Gate & Laguna
Northeast corner Buchanan & Linden (2 boxes)

Bus Shelters
Southeast corner Carl & Cole
Southeast corner Geary & Scott
Southwest corner Buchanan & Haight
All bus shelters on Haight and Fillmore need power washing and Graffiti
Southeast corner Buena Vista East
Southwest corner Buena Vista West
Southeast corner Geary and Divisadero
Southwest corner Grove & Gough

Fire Hydrant

Northwest corner Fell & Webster

Emergency Boxes
Northeast corner Golden Gate & Scott

From: Supervisor Dufty
To: Recreation and Park Commission
Requesting/Inquiring: Inquiring that the Recreation and Park Commission review the request for a plaque in Golden Gate Park honoring Jose Simon, founder of Comedy Day.

Starting in 1981, more than 500 of the world's funniest comedians have performed free-of-charge in Golden Gate Park, most recently Sharon Meadows.

Mr. Simon's widow, Gail Simon, testified during today's public comment at the Board of Supervisors and has petitions signed by more than a thousand citizens.

It would be appreciated if the Commission would respond directly to Ms. Simon and advise the Board of the process to establish a plaque recognizing Mr. Simon's contributions.

In Memoriams

Dr. Shyamala Harris - Entire Board

James Joseph Brett, Jr. - Supervisor Alioto-Pier

John Horleman - Supervisor Alioto-Pier

Sherri Manning - Supervisor Chiu

Harold "Hersh" Zimmerman - Supervisor Dufty

Louise Colthirst - Supervisor Mar

Claudio Lebish - Supervisor Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:37 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 31, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPA¥OL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

Disability access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

City and County of San Francisco

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MEETING MINUTES

Tuesday, March 3, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Chu, seconded by Supervisor Mar, moved to approve January 13, 2009 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081604 **[Amending FY 2008-2009 Annual Salary Ordinance]** **Mayor**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of the following four positions: one 5642 Senior Environmental Specialist (0.30 FTE); two 5640 Environmental Specialists (0.30 FTE each); and one 5638 Environmental Assistant (0.30 FTE) at the Department of the Environment.

(Fiscal Impact.)

Enacted Number: 30-09

FINALLY PASSED

090097 **[Administrative Code Revision: Health Service System]** **Supervisor Elsbernd**

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

Enacted Number: 35-09

FINALLY PASSED

090108 **[De-appropriating $11,617,063 of Water System Improvement Program funding at the San Francisco Public Utilities Commission]**

Ordinance de-appropriating $11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission. (Public Utilities Commission)

Enacted Number: 37-09

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

090132 **[Accept and expend grant funds for children's dental disease prevention services]** **Supervisor Avalos**

Resolution authorizing the San Francisco Department of Public Health (SF DPH) to accept and expend retroactively a three-year grant from the California Department of Public Health (CA DPH), to fund the California Dental Disease Prevention Program (CCDDPP), for the period of July 1, 2007 through June 30, 2010; and authorizing SF DPH to execute all documents and subsequent amendments related to this contract.

Enacted Number: 65-09

ADOPTED

090138 **[Accept and expend grant funds to support the 3rd Street Clinic expansion - $115,191]** **Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and retroactively expend grant funds in the amount of $115,191 for a three-year project from the 3rd Street Youth Center to expand clinic hours at the 3rd Street Clinic from 12 hours per week to 20 hours per week; for the period of February 1, 2009 through January 31, 2012.

Enacted Number: 66-09

ADOPTED

090142 **[Accept and expend grant - Funding a Healthy San Francisco program evaluation - $300,000]** **Mayor, Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $300,000 from the Blue Shield of California Foundation to fund a Healthy San Francisco program evaluation; for the period of January 1, 2009 through June 30, 2010.

Enacted Number: 71-09

ADOPTED

Recommendations of the Land Use and Economic Development Committee

081356 **[Zoning Map Amendment - 483 Bosworth Street, also known as 1 Lyell Street]**

Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco to change the zoning of the property located at 483 Bosworth Street, also known as 1 Lyell Street, Assessor's Block 6753, Lot 063 from P (Public) to RH-2 (Residential, House Districts, Two-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

Enacted Number: 31-09

FINALLY PASSED

090099 **[Re-establishing the name of the Richmond District]** **Supervisor Mar**

Ordinance rescinding Ordinance 4397 and re-establishing the name of the area north of Golden Gate Park and west of Arguello Boulevard as the Richmond District.

Enacted Number: 36-09

FINALLY PASSED

Recommendations of the Rules Committee

081512 **[Workforce Development - First Source Hiring Program]** **Supervisors Mirkarimi, Maxwell, Campos**

Ordinance amending Administrative Code Chapter 83, Section 83.18 to eliminate the expiration date of the First Source Hiring Program, and Section 83.10 to eliminate the attorneys fees provision.

Enacted Number: 32-09

FINALLY PASSED

090044 **[Settlement of Lawsuit - Computers For Marketing Corporation - $42,000]**

Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for $42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 33-09

FINALLY PASSED

090045 **[Settlement of Lawsuit - Susan Howard - $175,000]**

Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for [illegible] the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454, entitled Susan Howard, et al. v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 34-09

FINALLY PASSED

090157 **[Settlement of Lawsuit - Mehrdad Alemozaffar - $350,000]** **Supervisor Daly**

Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehrdad Alemozaffar and against the City and County of San Francisco in the amount of $350,000 in settlement of the lawsuit filed on July 20, 2007 in United States District Court, Case No. C07-4494 JSW entitled Mehrdad Alemozaffar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello.

Enacted Number: 29-09

FINALLY PASSED

090113 **[Appointment, San Francisco Health Authority - Eddie Chan]**

Motion appointing Eddie Chan, term ending January 15, 2010, to the San Francisco Health Authority, residency requirement waived.

Eddie Chan, succeeding Linda Bien, term expired, seat 6, must be an employee in the senior management of either private nonprofit community clinics or a community clinic consortium, nominated by the SF Community Clinic Consortium, or any successor organization for unexpired portion of a three-year term ending January 15, 2010.

Enacted Number: M09-38

APPROVED

090115 **[Appointments, Asthma Task Force - Margi English and Lisa Fricke]**

Motion appointing Margi English and Lisa Fricke, terms ending July 1, 2011, to the Asthma Task Force.

Margi English, succeeding Michelle Reyes, resigned, seat 6, must be an individual who is either persons with asthma, the parent of a child with asthma, or an asthma patient advocate (voting member), for unexpired portion of a two-year term ending July 1, 2011. Lisa Fricke, succeeding Benjamin Heckman, resigned, seat 16, must be an individual who represents property interests (non-voting member), for unexpired portion of a two-year term ending July 1, 2011.

Enacted Number: M09-39

APPROVED

090119 **[Appointments, Child Care Planning and Advisory Council - Melinda Kanter-Levy and Pamela Tate-Roger]**

Motion appointing Melinda Kanter-Levy and Pamela Tate-Roger, terms ending December 31, 2009 and December 31, 2011, to the Child Care Planning and Advisory Council, residency requirement waived.

Melinda Kanter-Levy succeeding David Fleishman, resigned, seat 2, must be a nominee of District 2 Supervisor selected from parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of Community representative, for the unexpired portion of a three-year term ending December 31, 2009. Pamela Tate-Roger succeeding Sheila Norman, term expired, seat 11, must be a nominee of District 2 Supervisor selected from parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of Community representative, for three-year term ending December 31, 2011.

Enacted Number: M09-40

APPROVED

090152 **[Appointment, SRO Task Force - Matthias Mormino]**

Motion appointing Matthias Mormino, term ending December 31, 2009, to the SRO Task Force.

Matthias Mormino, succeeding Maria X. Martinez, resigned, seat 8, must be a representative of the Families SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2009.

Enacted Number: M09-41

APPROVED

090156 **[Appointment, Bicycle Advisory Committee - Casey Allen]**

Motion appointing Casey Allen, term ending November 19, 2010, to the Bicycle Advisory Committee.

Casey Allen, succeeding himself, term expired, seat 11, must be a nominee of District 11 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration, for term ending November 19, 2010.

Enacted Number: M09-42

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

NEW BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

090019 **[Liquor License Transfer - 575 Howard Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 280 - 7th Street to 575 Howard Street (District 6), to Colin O'Malley and Leilani Brennan for Eve Lounge will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 67-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081330 **[Adopting the United Nations Convention on the Rights of the Child]** **Supervisors Alioto-Pier, Campos**

Resolution urging the Board of Supervisors to adopt the United Nations Convention on the Rights of the Child and supporting its inalienable freedoms for children and youth in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Avalos, seconded by Supervisor Mar, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

Rereferred as amended.

Supervisor Alioto-Pier, seconded by Supervisor Avalos, moved that this Resolution be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090008 **[Public, Education and Government Cable Access System]** **Supervisors Mirkarimi, Avalos, Campos**

Resolution requesting San Francisco's Congressional and State Legislative Delegations reform laws governing use of Public, Education and Government Cable Access System Funds.

Supervisors Avalos and Campos requested to be added as co-sponsors.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081560 **[India Basin Industrial Park Zoning Map Amendment]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081561 **[India Basin Industrial Park, Planning Code Text Amendment]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090137 **[Landmark Tree Designation of California Buckeye, Aesculus Californica, located behind 757 Pennsylvania Street]** **Supervisor Maxwell**

Ordinance designating the California Buckeye (Aesculus Californica) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090101 **[Interim Zoning Controls Requiring Conditional Use Authorization for Tobacco Paraphernalia Establishments, as Defined, in the Haight Street Neighborhood Commercial District]** **Supervisor Mirkarimi**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for Tobacco Paraphernalia Establishments, as defined, subject to specified exceptions, in the Haight Street Neighborhood Commercial District and to all properties zoned NC-1 (Neighborhood Commercial Cluster District) and NC-2 (Small-Scale Neighborhood Commercial District) along Haight Street for a one year period, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Enacted Number: 70-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090114 **[Appointment, Urban Forestry Council - Terry Milne]**

Motion appointing Terry Milne, term ending November 18, 2010, to the Urban Forestry Council.

Terry Milne, new assignment, seat 7, must be a representative of the community, for two-year term ending November 18, 2010 (Supervisor Chu dissented in committee)

Enacted Number: M09-37

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to excuse Supervisor Mar from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

090169 **[Appointment - Bay Area Air Quality Management District - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar, term ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors.

Supervisor Alioto-Pier requested to divide the question relating to the appointment of Supervisor Daly. (See File No. 090299)

Enacted Number: M09-36

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

Supervisor Daly Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to excuse Supervisor Daly from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

090299 **[Appointment - Bay Area Air Quality Management District - Supervisor Daly]**

Motion appointing Supervisor Chris Daly, term ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to re-refer this matter to committee.

Supervisor Alioto-Pier rescinded the motion to re-refer.

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved to continue this matter to March 17, 2009.

Motion to continue this matter failed by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar

Noes: 5 - Avalos, Campos, Chiu, Maxwell, Mirkarimi

Excused: 1- Daly

Enacted Number: M09-35

APPROVED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier
Excused: 1 - Daly

From the Rules Committee Without Recommendation

090046 **[Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]**

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $1,291,741.11 plus [illegible] simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly introduced, welcomed and presented a Certificate of Honor to Teresa Almaguer in recognition of Women's History Month.

Supervisor Alioto-Pier introduced, welcomed and presented a Certificate of Honor to Judge Suzanne R. Bolanos in recognition of Women's History Month.

Supervisor Maxwell introduced, welcomed and presented Certificates of Honor to Billie Calvin, Taneshia Miller and Raquel Miller in recognition of Women's History Month.

Supervisor Chiu introduced, welcomed and presented a Certificate of Honor to Juliene M. Christensen in recognition of Women's History Month.

Supervisor Campos introduced, welcomed and presented a Certificate of Honor to Petra DeJesus in recognition of Women's History Month.

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to Suzanne Gautier in recognition of Women's History Month.

Supervisor Mirkarimi introduced, welcomed and presented Certificates of Honor to Melonie J. Green and Melorra J. Green in recognition of Women's History Month.

Supervisor Mar introduced, welcomed and presented a Certificate of Honor to Pam Tau Lee in recognition of Women's History Month.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Helen P. Nigg in recognition of Women's History Month.

Supervisor Avalos introduced, welcomed and presented a Certificate of Honor to Lucy Sanchez in recognition of Women's History Month.

Supervisor Chu introduced, welcomed and presented a Certificate of Honor to Lara Truppelli in recognition of Women's History Month.

Katherine Dodd, on behalf of the Mayor, introduced, welcomed and presented a Certificate of Honor to Chief Heather Fong, San Francisco Chief of Police.

SPECIAL ORDER 4:00 P.M.

090109 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

The President inquired as to whether any member of the public wished to address the Board members.

Continued to April 7, 2009

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

090110 **[Affirming the categorical exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to April 7, 2009

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090111 **[Disapproving the categorical exemption issued for the717 Battery Street/350 Pacific Avenue project]**

Motion disapproving the determination by the Planning Departmentthat the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act

Continued to April 7, 2009

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090112 **[Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

Continued to April 7, 2009

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library

Gail Simone; expressed concern with issues relating the Comedy Outreach Program and the Comedy Walk of Fame

Ken Johnson; expressed concern with issues relating to Public Access Chonnels

Male speaker, expressed concern with issues relating to using the stimulus package for an African American Center

Female speaker, expressed concern with issues relating to solving child homicides and violence in the community

Randall Eugene Evans; expressed concern with issues relating to solving child homicides and violence in the community

Male speaker; expressed concern with issues relating to SRO hotel renovations

Edmond Juicy; expressed concern with issues relating to legalized cannabis and homeless support services

Ed Sharpless; expressed concern with issues relating to the Bay to Breakers' Race

Male speaker; expressed concern with issues relating to the Bay to Breakers' Race

Male speaker, expressed concern with issues relating to the Bay to Breakers' Race

Ace Washington; expressed concern with issues relating to the Western Addition

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090243 **[Urging Congress to pass the Uniting American Families Act]** **Supervisors Campos, Dufty, Avalos, Chiu**

Resolution urging Congress to pass the Uniting American Families Act and supporting the removal of legal barriers to immigration for permanent same-sex partners.

Enacted Number: 72-09

ADOPTED

090247 **[Celebrating the reopening of the Angel Island Immigration Station]** **Supervisors Mar, Chiu, Chu**

Resolution celebrating the reopening of the Angel Island Immigration Station.

Supervisor Chu requested to be added as a co-sponsor.

Enacted Number: 68-09

ADOPTED

090248 **[Accept-Expend State Grant - Sheriff's Department - $96,885]** **Supervisor Mirkarimi**

Resolution authorizing the Sheriff's Department of the City and County of San Francisco to accept and expend $96.885 in additional funds from the Corrections Standards Authority for the standards and training of local corrections and probation officers programs stipulating adherence to standards for recruitment and training established by the Corrections Standards Authority, waiving any indirect costs.

Enacted Number: 69-09

ADOPTED

090231 **[Extending Time for Negotiations with Labor Unions to June 30, 2009]** **Mayor**

Motion extending time for negotiations pursuant to Charter Section 11.100.

Enacted Number: M09-33

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the For Adoption Without Committee Reference

Supervisor Elsbernd requested that this matter be severed that it might be considered separately.

090240 **[Declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District]** **Mayor, Supervisors Dufty, Avalos, Chiu, Alioto-Pier, Campos, Maxwell, Mirkarimi, Chu, Mar**

Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2009-2010 school year.

(Fiscal Impact.)

Continued to March 17, 2009

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly requested that this matter be severed that it might be considered separately.

090241 **[90 day extension for Historic Preservation Commission review - The Metro Theatre]** **Supervisor Alioto-Pier**

Resolution extending by 90 days the prescribed time within which the Historic Preservation Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Land Use and Economic Development Committee.

Supervisor Elsbernd requested that this matter be severed that it might be considered separately.

090242 **[Urging passage of the Marijuana Control, Regulation and Education Act (AB 390) which would tax and regulate marijuana in a manner similar to alcohol]** **Supervisors Campos, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi, Dufty**

Resolution supporting the recently proposed state legislation, the Marijuana Control, Regulation and Education Act (AB 390), which would tax and regulate marijuana in a manner similar to alcohol.

Continued to March 17, 2009

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd requested that this matter be severed that it might be considered separately.

090246 **[Urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California]** **Supervisors Campos, Avalos, Daly, Mar, Mirkarimi, Chiu**

Resolution urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California.

Continued to March 17, 2009

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi requested that this matter be severed that it might be considered separately.

090249 **[Urging the organizers of the Bay to Breakers to collaborate on a comprehensive plan that protects the neighborhoods while preserving the unique spirit of the race]** **Supervisors Mirkarimi, Mar, Avalos, Maxwell, Campos, Dufty, Chiu**

Resolution urging the sponsors of the Bay to Breakers race to work with city agencies, neighborhood groups, and race advocates to develop a comprehensive plan that protects the host neighborhoods while preserving the unique spirit of the race.

Supervisor Chiu requested to be added as a co-sponsor.

Supervisor Mirkarimi requested that this matter be referred to Committee.

REFERRED to the City Operations and Neighborhood Services Committee.

Supervisor Elsbernd requested that this matter be severed that it might be considered separately.

090239 **[Adopting a proposed schedule of audits to be conducted of programs of City and County departments]** **Supervisor Mirkarimi**

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

Continued to March 17, 2009

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding] Motion that the Board find that for the resolution(s) being considered at this time "the need to take action so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090268 **[Canceling the Regularly Scheduled Board Meeting on Tuesday, March 10, 2009]** **Supervisor Chiu**

Motion canceling the regularly scheduled Board meeting on Tuesday, March 10, 2009.

Enacted Number: M09-34

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090274 **[Planning - Union Street Neighborhood Commercial District - Small Self-Service Restaurants and Self-Service Specialty Food Uses]** **Supervisor Alioto-Pier**

Ordinance amending Planning Code Section 725.1, Section 725.44, and Section 725.69A of the Union Street Neighborhood Commercial District Zoning Control Table to provide for a limited number of new Small Self-Service Restaurants and Self-Service Specialty Food uses subject to conditional use authorization by the Planning Commission, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expireson 4/2/2009.

090275 **[Waiver of temporary street space occupancy fee on April 4, 2009 for Cesar E. Chavez Holiday Parade and Festival 2009]** **Supervisor Campos**

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain blocks of 24th Street on Saturday, April 4, 2009 as part of Cesar E. Chavez Holiday Parade and Festival 2009.

3/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090276 **[Housing Code Section 503(d) "Housing Access:" extend protections to all persons sharing housing by deleting references to "families;" and technical correction to Section 503(b)]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families," and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expireson 4/2/2009. 03/13/09 - Referred to the Building Inspection Commission and the Rent Board for review and comment.

090277 **[Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.3: to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3(a)(2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expireson 4/2/2009. 03/13/09 - Referred to the Building Inspection Commission and the Rent Board for review and comment.

090278 **[Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach]** **Supervisors Daly, Avalos, Mirkarimi, Campos**

Draft ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined solely on whether the rent increase would result in tenant's total rent exceeding 33% of tenant's gross income; rent increase stayed pending determination of application; rent increase will not be in effect until the increase will not cause tenant financial hardship, or until the landlord can demonstrate that "inability to impose the rent increase is causing the landlord greater hardship than the tenant's hardship;" hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results.

(Fiscal Impact.)

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expireson 4/2/2009.

090279 **[Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Draft ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9: to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code 503(b) "superficial floor area" standards (Section 37.9(a)(2)).

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expireson 4/2/2009.

090286 **[Amending provisions of Chapter 18 of the Administrative Code to specify enforcement and consolidate reporting requirements]** **Supervisor Mirkarimi**

Ordinance adopting and implementing amendments to Secs. 18.13-1 and 18.13-5 of the San Francisco Administrative Code.

3/3/09, ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 4/2/2009.

090287 **[State Video Franchise Holders]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1 and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1 and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

3/3/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 4/2/2009.

Resolutions

090241 **[90 day extension for Historic Preservation Commission review - The Metro Theatre]** **Supervisor Alioto-Pier**

Resolution extending by 90 days the prescribed time within which the Historic Preservation Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

3/3/09, REFERRED to Land Use and Economic Development Committee. Supervisor Daly requested that this matter be referred to Committee.

090249 **[Urging the organizers of the Bay to Breakers to collaborate on a comprehensive plan that protects the neighborhoods while preserving the unique spirit of the race]** **Supervisors Mirkarimi, Mar, Avalos, Maxwell, Campos, Dufty, Chiu**

Resolution urging the sponsors of the Bay to Breakers race to work with city agencies, neighborhood groups, and race advocates to develop a comprehensive plan that protects the host neighborhoods while preserving the unique spirit of the race.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

3/3/09, REFERRED to City Operations and Neighborhood Services Committee. Supervisor Chiu requested to be added as a co-sponsor. Supervisor Mirkarimi requested that this matter be referred to Committee.

090280 **[Accept and Expend State Grant Funds - S.F. Recreation and Park Department - $157,000]** **Supervisor Dufty**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant administered by the California Department of Parks and Recreation in the amount of $157,000 for the Glen Canyon Islais Creek Restoration Project.

3/3/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090281 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Alameda Siphon No. 4 Project]** **Supervisor Elsbernd**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of the Alameda Siphon No. 4 Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

3/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090282 **[Accept and Expend Federal Grant Funds - Department of Public Works - $1,475,675]** **Supervisor Elsbernd**

Resolution authorizing the Department of Public Works to retroactively accept and expend a grant in the amount of $1,475,675 from the U.S. Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Discretionary Grants Program

3/3/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090283 **[Accept and Expend Department of Energy 700 Pennsylvania Avenue Grant Funds - $610,080]** **Supervisor Maxwell**

Resolution authorizing the San Francisco Public Utilities Commission (SFPUC) to accept and expend a grant in the amount of $610,080 from the U.S. Department of Energy through the Consolidated Appropriations Act of 2008 under the Energy Policy Act of 2005 (P.L. 109-58) for the Muni Ways & Structures Building (700 Pennsylvania Avenue) Solar Evaluation Project.

(Fiscal Impact.)

3/3/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090284 **[Endorsing the Recommendations of the San Francisco Fair Lending Working Group]** **Supervisor Maxwell**

Resolution endorsing the findings and recommendations contained in the final report of the San Francisco Fair Lending Working Group.

3/3/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090285 **[Adoption of Board of Supervisors 2009 Budget Process and Policy Priorities]** **Supervisor Mirkarimi**

Resolution adopting the San Francisco Board of Supervisors' 2009 Budget Process and Policy Priorities.

3/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090288 **[Accept-Expend State Grant Funds - Recreation and Park Department - $40,045]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of $40,045 for the Marina Green Pedestrian and Bicycle Improvement Project, under the Bicycle Facility Fund administered by the Bay Area Air Quality Management District (Air District).

3/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090289 **[Accept-Expend Grant Funds - Recreation and Park Department - $35,189]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Carl Moyer Program Grant administered by the Bay Area Air Quality Management District (Air District) in the amount of $35,189.00 for the repowering (replacement) of a workboat diesel engine belonging to and operated by San Francisco Small Craft Harbor/Recreation and Park Department.

3/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090290 **[Mountain Lake Park - Toxicity Issue]** **Supervisors Alioto-Pier, Mar**

Resolution urging CalTrans to use funds from the federal stimulus package to immediately resolve the toxicity issue at Mountain Lake through diversion of storm drains flowing directly into the lake and replacement of the outlet and overflow pipe and by dredging the lake to remove contaminated sediments and fill.

3/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090291 **[Supporting Senate Bill 810, the California Universal Health Care Act of 2009]** **Supervisors Avalos, Campos, Daly, Mar, Mirkarimi, Chiu**

Resolution supporting Senate Bill 810, the California Universal Health Care Act of 2009.

3/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090292 **[Mediation Week in San Francisco - March 16 - 20, 2009]** **Supervisors Chu, Chiu**

Resolution declaring March 16th through 20th, 2009 as Mediation Week in San Francisco.

3/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090293 **[Declaring San Francisco Arbor Week - March 7 - 14, 2009]** **Supervisor Chu**

Resolution declaring the week of March 7th through March 14th as Arbor Week in San Francisco.

3/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090294 **[Commending Ming Pao Daily News - San Francisco edition]** **Supervisors Chu, Chiu**

Resolution commending Ming Pao Daily News' San Francisco edition for five years of service to the Chinese-American community in the San Francisco Bay Area.

3/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090295 **[Accept- Expend Federal/State Pass Through Grant - San Francisco Public Library - $5,000]** **Supervisor Chu**

Resolution authorizing the Department of Public Library to retroactively accept and expend a grant in the amount of $5,000 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for the SFPL Partnerships Plan which will provide a coherent system for staff to document, nurture, learn about, and extend partnerships that strengthen library ties within the community.

3/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090296 **[Ten Year Capital Expenditure Plan]** **Mayor, Supervisor Chiu**

Resolution adopting the City's ten year capital expenditure plan for fiscal years 2010-2019.

3/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request For Hearings

090269 **[Crimes against women in the City and County of San Francisco]** **Supervisors Alioto-Pier, Campos**

Hearing on recent trends on crimes against women in the City and County of San Francisco. The hearing will explore recent trends, including statistical data, on crimes against women, such as rape, assault, domestic violence and any other crimes targeting women. The hearing will ask the San Francisco Police Department and the Mayor's Office of Criminal Justice to provide (1) an update on crime statistics as it applies to violence against women; 2) data and plans on the progress of crime fighting measures and any violence prevention programs as it related to women; 3) reports on the arrest, charged and prosecution of crimes against women; 4) any other information relevant to said subject; and (5) any plans to apply for funds mentioned in the American Recovery and Reinvestment Act of 2009 to combat violence against women.

3/3/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090270 **[Three Year Budget Projection Report]** **Supervisor Avalos**

Hearing to consider the Three Year Budget Projection Report from the Controller, Budget Analyst, and Mayor's Budget Office.

3/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090271 **[Executive search for a new Chief of the San Francisco Police Department]** **Supervisor Campos**

Hearing on the process that the San Francisco Police Commission will follow to conduct the executive search for a new Chief of the San Francisco Police Department.

3/3/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090272 **[San Francisco Police Department's Fraud Division]** **Supervisor Dufty**

Hearing to review the San Francisco Police Department's Fraud Division including levels of staffing, investigative backlogs and any increase in financial crimes including, but not limited to check fraud, embezzlement, forgery and identity theft in the City and County of San Francisco.

3/3/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090273 **[Potrero Power Plant]** **Supervisor Maxwell**

Hearing on the status of the plant's discharge permit and the ongoing investigation into soil and bay mud contamination at the Mirant Corporation's Potrero Power Plant.

3/3/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090297 **[Impacts of Cuts to Department of Building Inspection, Housing Inspection Division]** **Supervisor Daly**

Hearing on the impacts of the cuts to Department of Building Inspection, Housing Inspection Division on San Francisco residents living in substandard housing.

3/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motion

090268 **[Canceling the Regularly Scheduled Board Meeting on Tuesday, March 10, 2009]** **Supervisor Chiu**

Motion canceling the regularly scheduled Board meeting on Tuesday, March 10, 2009.

3/3/09, APPROVED.

PROPOSED ORDINANCES

090210 **[Zoning Map Amendment - 2400 Irving Street]**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco by amending Sheet ZN05 and Sheet SU05 to change the zoning classification of the northern portion of the property located at 2400 Irving Street, Block 1725, Assessor's Lot No. 053, from RH-2 (Residential House, Two-Family) to NC-2 (Small-Scale Neighborhood Commercial District) and include it within the Irving Street Restaurant & Fast Food Restricted Use SUD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

2/19/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009.

090211 **[Planning Code-Amending Appendix C to Article 11 Regarding 608 Folsom Street]**

Ordinance amending the designation of 608 Folsom Street (Assessor's Block 3735, Lot 009) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Commission)

2/19/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/[illegible]

090212 **[Settlement of Lawsuit - State of California v. Foley, City and County of San Francisco, et al.]**

Ordinance authorizing settlement of the lawsuit filed by State of California, acting through the Department of Transportation ("Caltrans") against the City and County of San Francisco in exchange for the provision of an easement modification agreement relocating certain access rights and otherwise preserving the pre-existing easement rights of the City and County of San Francisco and making environmental findings; the lawsuit was filed on June 29, 2006 in Alameda County Superior Court, Case No. RG06277087, entitled State of California v. Foley, City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Judgment in Condemnation and [Proposed] Judgment (and exhibits thereto), contained in Board of Supervisors File No. 090212. (City Attorney)

2/19/09, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Ave.
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Utility Boxes
In front of 79 Clayton
Northwest corner Grove and Webster
Southwest corner Steiner & Waller
Northeast corner Oak & Scott

Garbage Cans
Northeast corner of Haight & Fillmore
Northeast corner of Webster & Grove
Northwest corner of Buchanan and Haight

Mailboxes
Northeast corner Fillmore & Haight

Emergency Boxes
Northeast corner Oak & Fillmore
Northeast corner Fillmore & Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

295 Buchanan
478 Haight
120 Webster
546 Haight
811 Oak
999 Haight
1689 Fulton
1220 Haight
900 Oak
160 Pierce
815 Oak
400 Haight
799 Haight
208 Haight
1106 Fell
1174 Fell
1100 Fell

1213 Fell
300 Buchanan
1566 Haight
1589 Fulton
1352 Haight
999 Oak
1301 Haight
250 Scott
428 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Metal Pole
In front of Fulton
Southeast corner Ashbury and Haight
In front of 926 Oak

Wood Poles
Southeast corner of Lassuant & Steiner
Northeast corner of Steiner and Waller

Bus Shelters
Southwest corner Broderick & Hayes

From: Supervisor Chiu
To: City Attorney
Requesting/Inquiring: Requesting for legislation to be drafted amending section 14B of the Adminstrative code to:

1) Require, rather than permit, the director of the Human Rights Commission to set aside certain contracts worth $250,000 or less to be awarded to Micro-Local Business Enterprises.
2) Require that the director of HRC report to the Board of Supervisors within 60 days of final approval of legislation on the number and value of contracts set aside of Micro LBEs.
3) Streamline the contracting process for contracts of all dollar values to provide that, where prescribed LBE participation goal is met, the requirement for "good faith efforts" of proof of outreach to LBEs will be waived.

From: Supervisor Maxwell
To: General Manager, SFPUC
Requesting/Inquiring: Inquiring as to the specifics of CAL-ISO's local capacity requirements and the financial obligations that San Francisco may owe under the program.

In Memoriams

Joseph Zatkin - Supervisor Dufty

Dorothy Ruth Christiani - Supervisor Dufty

Ngar Chun Kuang Yee - Supervisor Mar

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:37 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 31, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.
AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

Disability access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible
Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.
The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

Lobbyist Registration and Reporting Requirements

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MEETING MINUTES

Tuesday, March 17, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Chu, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of January 27, 2009, February 3, 2009, and February 10, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090220 **[Accept and Expend State Grant funds - Recreation and Park Department - $65,000]** **Supervisor Mar**

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Public Education Grant administered by the California Department of Forestry and Fire Protection in the amount of $65,000 for the Urban Forestry Project.

Enacted Number: 75-09

ADOPTED

090221 **[Accept and Expend State Grant funds - Recreation and Park Department - $200,000]** **Supervisor Mar**

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Inventory Grant administered by the California Department of Forestry and Fire Protection in the amount of $200,000 for the Urban Forestry Inventory Project.

(Fiscal Impact.)

Enacted Number: 74-09

ADOPTED

Recommendation of the Land Use and Economic Development Committee

090137 **[Landmark Tree Designation of California Buckeye, Aesculus Californica, located behind 757 Pennsylvania Street]** **Supervisor Maxwell**

Ordinance designating the California Buckeye (Aesculus Californica) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Enacted Number: 38-09

FINALLY PASSED

Recommendations of the Rules Committee

090117 **[Settlement of Lawsuit - Antia Lelaind - $175,000]**

Ordinance authorizing settlement of the lawsuit filed by Antia Lelaind against the City and County of San Francisco et al. for $175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. C06-05870 MHP; entitled Antia Lelaind v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090158 **[Settlement of Lawsuit - Mark Boyd - $85,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for $85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090172 **[Settlement of complaint before the Federal Energy Regulatory Commission and approval of Revised Procedures]**

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities. (Public Utilities Commission)

PASSED ON FIRST READING

090155 **[Settlement of Claim - Deo Dutt - $98,443.83]**

Resolution approving the settlement of unlitigated claim of State Farm Insurance Company as subrogee for Deo Dutt against the City and County of San Francisco for $98,443.83; claim was filed on October 21, 2008. (City Attorney)

Enacted Number: 82-09

ADOPTED

090037 **[Appointments, Mental Health Board - Errol Wishom, Mary Ann Jones and Virginia Wright]**

Motion appointing Errol Wishom, Mary Ann Jones and Virginia Wright, terms ending January 31, 2010 and January 31, 2012, to the Mental Health Board.

Enacted Number: M09-46

APPROVED

090244 **[Appointments, Library Citizens Advisory Committee - Theodore Bamberger and Houston Garcia]**

Motion appointing Theodore Bamberger and Houston Garcia, terms ending July 18, 2010, to the Library Citizens Advisory Committee, residency requirement waived.

Theodore Bamberger, succeeding himself, term expired, seat 12, must be member from the community at large, representative of senior citizens for a two-year term ending July 18, 2010. Houston Garcia, succeeding Douglas Ryan, term expired, seat 14, must be a member from the community at large, representative of youth and children who shall be between the ages of thirteen and twenty-three at the time of appointment, for a two-year term ending July 18, 2010.

Enacted Number: M09-47

APPROVED

090245 **[Appointment, Asthma Task Force - Rondell Lane, M.D.]**

Motion appointing Rondell Lane, M.D., term ending July 1, 2011, to the Asthma Task Force.

Rondell Lane, M.D., succeeding Natasha Madaris, resigned, seat 1, must be a representative of a community-based organization that provides community-based research or advocacy related to asthma issues in San Francisco and is a voting member, for term ending July 1, 2011.

Enacted Number: M09-48

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the Consent Agenda

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

081560 **[India Basin Industrial Park Zoning Map Amendment]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair)

Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, El sbernd, Mar, Maxwell, Mirkarimi

081561 **[India Basin Industrial Park, Planning Code Text Amendment]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, El sbernd, Mar, Maxwell, Mirkarimi

Supervisor Chu requested that this matter be severed so that it might be considered separately.

081592 **[Appointments, Voting Systems Task Force - Joanne Sanford, Ka-Ping Yee, Gregory Miller, Beth Mazur, Tim Mayor, Elizabeth Bergman and Roger Donaldson]**

Motion appointing Joanne Sanford, Ka-Ping Yee, Gregory Miller, Beth Mazur, Tim Mayor, Elizabeth Bergman and Roger Donaldson, terms to be determined, to the Voting Systems Task Force, residency requirement waived.

Supervisor Chu requested to divide the question relating to the appointment of Brent Turner.(See File No. 090333)

Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED AS DIVIDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, El sbernd, Mar, Maxwell, Mirkarimi

090333 **[Appointment, Voting Systems Task Force - Brent Turner]**

Motion appointing Brent Turner, term to be determined, to the Voting Systems Task Force, residency requirement waived.

Brent Turner, new assignment, seat 2, must represent good government groups, for two-year term to be determined.

Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Motion be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, El sbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Rules Committee Without Recommendation

090046 **[Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]**

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 13, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

Enacted Number: 39-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, El sbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081603 **[Redevelopment Agency Budget]** **Mayor, Supervisor Mirkarimi**

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2008-2009 to reprogram $3,301,225 of funds budgeted for the Western Addition A2 Plan Area from the Muni Substation line item to the Fillmore Jazz Preservation District Revolving Loan Program line item in the amount of $2,366,000, to the Office of Economic and Workforce Development for marketing and economic development activities within the Fillmore Jazz Preservation District including predevelopment planning for the Muni Substation in the amount $535,225, subject to Budget and Finance Committee Reserve, and to a new Western Addition A2 property management line item in the amount of $400,000.

(Fiscal Impact.)

Enacted Number: 92-09

ADOPTED by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 4 - Avalos, Chiu, Daly, Elsbernd

090197 **[Tax Exempt and Taxable Revenue Certificates of Participation]** **Mayor**

Resolution of the City and County of San Francisco authorizing the execution and delivery from time to time of its Tax-Exempt and Taxable Lease Revenue Commercial Paper Certificates of Participation in an amount not to exceed $150,000,000 in order to provide short-term financing to pay for certain capital improvements, and approving and authorizing execution of a trust agreement and certain financing documents and authorizing other related actions.

(Fiscal Impact.)

Enacted Number: 85-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090131 **[Appropriating $16,500,000 of State Loans for West Marina Yacht Harbor Renovations in the Recreation and Park Department for Fiscal Year 2008-2009]** **Supervisor Alioto-Pier**

Ordinance appropriating $17,000,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing $15,500,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs.

(Fiscal Impact.)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance appropriating $16,500,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing $15,000,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090100 **[Solar Energy Incentive Program]** **Supervisors Mirkarimi, Campos, Mar**

Ordinance amending the San Francisco Environment Code by amending Sections 18.3, 18.4, 18.6, 18.7-1, 18.7-2, 18.7-3, 18.7-4, and 18.7-6, and by repealing Section 18.7-7, to increase the incentives available to low-income and non-profit applicants under the Solar Energy Incentive Program and to make technical changes to program requirements.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

090140 **[De-appropriating $1,000,000 of Power for Resale for use with the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009]** **Mayor, Supervisors Mirkarimi, Dufty, Mar**

Ordinance de-appropriating $1,000,000 of Power for Resale expenses and appropriating $1,000,000 for the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009, allowing $500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, and amending San Francisco Environmental Code section 18.7-5.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Daly, Elsbernd

090275 **[Waiver of temporary street space occupancy fee on April 4, 2009 for Cesar E. Chavez Holiday Parade and Festival 2009]** **Supervisor Campos**

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain blocks of 24th Street on Saturday, April 4, 2009 as part of Cesar E. Chavez Holiday Parade and Festival 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Government Audit and Oversight Committee

081400 **[Recreation and Park Department - Water Use Efficiency and Recycled Water]** **Supervisors Mirkarimi, Maxwell, Campos, Mar**

Ordinance making environmental findings and amending San Francisco Park Code Article 3 by adding Section 3.19, to require the Recreation and Park Department to maximize water use efficiency and to use Recycled Water where available for Park irrigation needs.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

Recommendations of the Land Use and Economic Development Committee

081504 **[Massage Services in South of Market Residential/Service Mixed Use District]** **Supervisors Daly, Dufty**

Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081598 **[Public Works Code - Appellate body for minor sidewalk encroachments]** **Supervisor Elsbernd**

Ordinance amending the Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits from the Board of Supervisors to the Board of Appeals.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081620 **[Zoning - Ordinance amending the Planning Code to correct errors and omissions]** **Supervisor Maxwell**

Ordinanee amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Sections 504 and [illegible] of the Housing Code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend Section 263.9 to properly reference Chart C instead of Chart B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections B16.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section 225 Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section 255 which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks; and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

Supervisor Alioto-Pier Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Daly, moved to excuse Supervisor Alioto-Pier from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

090334 **[Appointment, San Francisco Bay Conservation and Development Commission - Supervisor Michela Alioto-Pier]**

Motion appointing Supervisor Michela Alioto-Pier, for an indefinite term, to the San Francisco Bay Conservation and Development Commission.

Michela Alioto-Pier, succeeding Aaron Peskin, seat 1, must be a member of the Board of Supervisors whose district includes within its boundaries lands lying within the San Francisco Bay (Districts 1, 2, 3, 6, and 10), for an indefinite term.

NOT APPROVED by the following vote:

Ayes: 4 - Chu, Dufty, Elsbernd, Maxwell
Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Excused: 2 - Alioto-Pier, Chiu

Supervisor Chiu Excused From Voting

Supervisor Dufty, seconded by Supervisor Avalos, moved to excuse Supervisor Chiu from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Chiu

090057 **[Appointment, San Francisco Bay Conservation and Development Commission - David Chiu]**

Motion appointing Supervisor David Chiu, for an indefinite term, to the San Francisco Bay Conservation and Development Commission.

David Chiu, succeeding Aaron Peskin, seat 1, must be a member of the Board of Supervisors whose district includes within its boundaries lands lying within the San Francisco Bay (Districts 1, 2, 3, 6, and 10), for an indefinite term. (Supervisor Chu dissented in Committee.)

Supervisor Daly, seconded by Supervisor Avalos, moved to duplicate the file and amend the duplicated file to include the appointment of Supervisor Alioto-Pier to the San Francisco Bay Conservation and Development Commission.

(See File No. 090334)

Enacted Number: M09-49

APPROVED by the following vote:

Ayes: 7 - Avalos, Campos, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 2 - Alioto-Pier, Chiu

090151 **[Appointments, Golden Gate Bridge, Highway and Transportation District - Janet Reilly and Lynne Newhouse Segal]**

Motion appointing Janet Reilly and Lynne Newhouse Segal, terms ending January 31, 2011, to the Golden Gate Bridge Highway and Transportation District.

Janet Reilly, succeeding herself, term expired, seat 1, represents public at large, subject to review and affirmation by the Board of Supervisors, for a two year term ending January 31, 2011. Lynne Newhouse Segal, succeeding herself, term expired, seat 4, represents public at large, subject to review and affirmation by the Board of Supervisors, for a two year term ending January 31, 2011.

Enacted Number: M09-50

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisors Campos and Mar Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to excuse Supervisors Campos and Mar from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Campos, Mar

090207 **[Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor David Campos]**

Motion appointing a member of the Board of Supervisors as a member of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, term ending January 31, 2011.

(Supervisor Daly dissented in Committee.)

Supervisor Dufty, seconded by Supervisor Mar, moved to amend by adding the name of Supervisor David Campos for consideration of appointment to the Golden Gate Bridge District, Highway and Transportation District.

Motion passed without objection.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to amend by adding the name of Supervisor Eric Mar for consideration of appointment to the Golden Gate Bridge, Highway and Transportation District. (See File 090335)

Motion passed without objection.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to amend by adding the name of Supervisor Alioto-Pier for consideration of appointment to the Golden Gate Bridge District, Highway and Transportation District.

Supervisor Mirkarimi withdrew his second to amend to add Supervisor Alioto-Pier's name for consideration.

Supervisor Dufty, seconded by Supervisor Mar, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Campos, Mar

Motion appointing Supervisor David Campos as a member of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, term ending January 31, 2011.

NOT APPROVED by the following vote:

Ayes: 5 - Avalos, Chiu, Daly, Dufty, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell
Excused: 2 - Campos, Mar

090335 **[Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar, term ending January 31, 2011, to the Golden Gate Bridge Highway and Transportation District.

Supervisor Daly, seconded by Supervisor Avalos, moved that this Motion be REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 5 - Avalos, Chiu, Daly, Elsbernd, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Maxwell
Excused: 2 - Campos, Mar

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Gene Marie O'Connell in recognition of her service of 32 years to the City and County of San Francisco. Supervisors Elsbernd, Maxwell, Chu and Alioto-Pier also expressed their appreciation to Gene Marie O'Connell.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Mary Red in recognition of her service of 35 years to the City and County of San Francisco in the Clerk of the Board of Supervisors' Office. Supervisors Maxwell, Alioto-Pier, Avalos, Elsbernd, Mirkarimi, Daly, and Chu also expressed their appreciation to Mary Red.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to members of the Presidio Trust Association.

SPECIAL ORDER 4:00 P.M.

090159 **[Public Hearing - Appeal of Mitigated Negative Declaration - 110 The Embarcadero]**

Hearing of persons interested in or objecting to the decision of the Planning Commission on November 6, 2008, approving a Mitigated Negative Declaration (Case No. 2006.1294E) for the proposed development at 110 The Embarcadero (Assessor's Block 3715, Lot 002). The project as proposed would demolish an existing two-story office building and construct a new 123-foot tall, 10-story over basement building containing approximately 52,890 square feet of office use; 2,490 square feet of ground floor retail space, 2,670 square feet of rooftop open space, and no parking spaces located within the C-3-O Zoning District and the 84-X Height and Bulk District. (Appellant: Sue C. Hestor on behalf of San Franciscans for Reasonable Growth)

(Filed 2/4/09; Companion Measure to 090160, 090161, 090162; District 6.)

The President inquired as to whether any member of the public wished to address the Board members.

Sue Hestor, Attorney for the San Franciscans for Responsible Growth, Appellant

Ralph Schoenman; support of the appellant

Lloyd Thibeaux; support of the appellant

Paul Currier; support of the appellant

Brad Paul; support of the appellant

Arthur Feinstein; support of the appellant

Male speaker; support of the appellant

Frank Askin; support of the appellant

Michael Corbett; support of the appellant

Gary Dollis; support of the appellant

Zack Stewart; support of the appellant

Joan Good; support of the appellant

Russ Miashiro; support of the appellant

Female speaker; support of the appellant

Nan Roth; support of the appellant

Brion McDonold; support of the appellant

Andy Kotz; support of the appellant

Sarah Kelban; support of the appellant

Horvey Schwortz; support of the appellant

Peter; support of the appellant

John Logan; support of the appellant

Dovid Hormon; support of the appellant

Male speaker; support of the appellant

Commissioner Bill Sugoya; support of the appellant

Dovid Osgood; support of the appellant

Evelyn Grossman; support of the appellant

Kotherine Hyden; support of the appellant

Stewort Morton; support of the appellant

Steve Setzler; support of the appellant

Fred Hollerdice; support of the appellant

Bill Wyco, Tim Fry, Kevin Guy and Joyce Navorette, representatives of the Planning Department, reviewed their recommendations with the Board members.

Michoel Burke and Jay Turnbull, representing the project sponsor Hines Interests LP

Wolter Johnson; support of the project sponsor

Ernestine Weiss; support of the project sponsor

Female speaker; support of the project sponsor

Representative of the Carpenter's Union; support of the project

FILED.

(Only one of the following two motions should be approved.)

090160 **[Affirming adoption of the mitigated negative declaration for 110 The Embarcadero]**

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090161 **[Reversing adoption of the mitigated negative declaration for 110 The Embarcadero]**

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero

Enacted Number: M09-51

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090162 **[Preparation of findings to reverse adoption of the mitigated negative declaration for 110 The Embarcadero]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero.

Enacted Number: M09-52

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

COMMITTEE REPORTS

081563 **[Public Employment - San Francisco's Local Agency Formation Commission (LAFCO)]** Supervisors Mirkarimi, Mar

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (.20 FTE) 9775L Senior Community Development Specialist II and one position (.20 FTE) 9770L Community Development Assistant to the Board of Supervisors (BOS).

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

090230 **[MOU, Amendment No. 1 - Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.)]** Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Dufty

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library

Walter; shared in song concern with general issues

Peter Warfield; expressed concern with issues relating to the closure of the Park Library

Tes Warley; expressed concern with issues relating to the closure of the Park Library

Collen; expressed concern with issues relating to the fiscal crisis in the Federal Government, State and City

John Jenkel; expressed concern with issues relating to US terrorism in unconstitutional wars

Don Becker; expressed support for SB810 California Health Insurance Reliability Act

Betty Kaho; expressed support for SB810 California Health Insurance Reliability Act

Barbara Cummins; expressed support for SB810 California Health Insurance Reliability Act

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090288 **[Accept and Expend State Grant Funds - Recreation and Park Department - $40,045]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of $40,045 for the Marina Green Pedestrian and Bicycle Improvement Project, under the Bicycle Facility Fund administered by the Bay Area Air Quality Management District (Air District).

Enacted Number: 91-09

ADOPTED

090289 **[Accept and Expend Grant Funds - Recreation and Park Department - $35,189]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Carl Moyer Program Grant administered by the Bay Area Air Quality Management District (Air District) in the amount of $35,189.00 for the repowering (replacement) of a workboat diesel engine belonging to and operated by San Francisco Small Craft Harbor/Recreation and Park Department.

Enacted Number: 88-09

ADOPTED

090290 **[Mountain Lake Park - Toxicity Issue]** **Supervisors Alioto-Pier, Mar**

Resolution urging CalTrans to use funds from the federal stimulus package to immediately resolve the toxicity issue at Mountain Lake through diversion of storm drains flowing directly into the lake and replacement of the outlet and overflow pipe and by dredging the lake to remove contaminated sediments and fill.

Enacted Number: 79-09

ADOPTED

090292 **[Mediation Week in San Francisco - March 16 - 20, 2009]** **Supervisors Chu, Chiu**

Resolution declaring March 16th through 20th, 2009 as Mediation Week in San Francisco.

Supervisor Chiu requested to be added as a co-sponsor.

Enacted Number: 90-09

ADOPTED

090293 **[Declaring San Francisco Arbor Week - March 7 - 14, 2009]** **Supervisor Chu**

Resolution declaring the week of March 7th through March 14th as Arbor Week in San Francisco.

Enacted Number: 87-09

ADOPTED

090294 **[Commending Ming Pao Daily News - San Francisco edition]** **Supervisors Chu, Chiu**

Resolution commending Ming Pao Daily News' San Francisco edition for five years of service to the Chinese-American community in the San Francisco Bay Area.

Enacted Number: 81-09

ADOPTED

090295 **[Accept and Expend Federal/State Pass Through Grant - San Francisco Public Library - $5,000]** **Supervisor Chu**

Resolution authorizing the Department of Public Library to retroactively accept and expend a grant in the amount of $5,000 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for the SFPL Partnerships Plan which will provide a coherent system for staff to document, nurture, learn about, and extend partnerships that strengthen library ties within the community.

Enacted Number: 89-09

ADOPTED

090204 **[Final Map - 73-83 Grattan Street]**

Motion approving Final Map 4294, a 6 Residential Unit Condominium Project, located at 73 - 83 Grattan Street being a [illegible] 025 in Assessors Block No. 1280 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

(DPW Order 178,057; District 5.)

Enacted Number: M09-45

APPROVED

090206 **[Final Map - 1300-1320 Potrero Avenue, 2801 25th Street]**

Motion approving Final Map 4876, a Two Lot Subdivision with a Three Unit Commercial Condominium Project on Parcel "A" and a Three Unit Commercial Condominium Project on Parcel "B", located at 1300 - 1320 Potrero Avenue, 2801 25th Street being a subdivision of Lot 029 in Assessors Block No. 4276 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

(DPW Order 178,072; District 9.)

Enacted Number: M09-44

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the For Adoption Without Committee Reference

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

090240 **[Declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District]**

Mayor, Supervisors Dufty, Avalos, Chiu, Alioto-Pier, Campos, Maxwell, Mirkarimi, Chu, Mar

Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2009-2010 school year.

(Fiscal Impact.)

Enacted Number: 84-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090242 **[Urging passage of the Marijuana Control, Regulation and Education Act (AB 390) which would tax and regulate marijuana in a manner similar to alcohol]**

Supervisors Campos, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi, Dufty

Resolution supporting the recently proposed state legislation, the Marijuana Control, Regulation and Education Act (AB 390), which would tax and regulate marijuana in a manner similar to alcohol.

Enacted Number: 77-09

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090246 **[Urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California]**

Supervisors Campos, Avalos, Daly, Mar, Mirkarimi, Chiu

Resolution urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California.

Enacted Number: 78-09

ADOPTED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Chu, Daly, Mar , Mirkarimi
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Maxwell

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to rescind the previous vote:

Motion to rescind the previous passed without objection.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to waive the Board Rule 2.1 to refer matters to Committee.

Motion to waive Board Rule 2.1 passed by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 2 - Alioto-Pier, Elsbernd

ADOPTED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Chu, Daly, Mar , Mirkarimi
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Maxwell

090239 **[Adopting a proposed schedule of audits to be conducted of programs of City and County departments]**

Supervisor Mirkarimi

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

Continued to March 24, 2009

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos requested that this matter be severed so that it might be considered separately

090291 **[Supporting Senate Bill 810, the California Universal Health Care Act of 2009]**

Supervisors Avalos, Campos, Daly, Mar, Mirkarimi, Chiu

Resolution supporting Senate Bill 810, the California Universal Health Care Act of 2009.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090257 **[Commending Mary Red]** **Supervisors Dufty, Chiu, Maxwell, Daly, Alioto-Pier, Elsbernd, Mirkarimi, Chu, Campos, Mar, Avalos**

Resolution commending Mary Red on the occasion of her retirement from the Office of the Clerk of the Board of Supervisors after 35 years of service to the City and County of San Francisco. (Clerk of the Board)

Enacted Number: 86-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090305 **[Honoring Gene Marie O'Connell's 32 years of service and the contributions she has made to the City and County of San Francisco]** **Supervisors Dufty, Elsbernd, Avalos, Chiu, Maxwell, Mirkarimi, Chu, Campos, Mar**

Resolution honoring Gene Marie O'Connell's 32 years of service and the contributions she has made to the City and County of San Francisco.

Enacted Number: 83-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090318 **[Planning Code-Landmark Designation of 2055 Union Street (Metro Theater)]** **Supervisor Alioto-Pier**

Ordinance designating 2055 Union Street (Metro Theater), Assessor's Block No. 0541, Lot No. 018, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code 101.1(b) and environmental findings.

3/17/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090319 **[Zoning - Providing for a Five Feet Special Height Exception for Active Ground Floor Uses in the NC-2 and NC-3 Designated Parcels Along Randolph and Broad Streets, from 19th Avenue to San** **Supervisor Avalos**

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in the NC-2 and NC-3 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; amending Sections 711.1 and 712.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

3/17/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/16/2009.

090320 **[Local Business Enterprise and Non-Discrimination in Contracting Ordinance]** **Supervisor Chiu**

Ordinance amending the San Francisco Administrative Code by amending Sections 14B.3, 14B.7, 14B.8, adding a new Section 14B.9, and renumbering Sections 14B.10, 14B.11, 14B.12, 14B.13, 14B.14, 14B.15, 14B.16, 14B.17, 14B.18, 14B.19 to (1) require departments to set aside contracts worth $400,000 or less for the Micro-Local Business Enterprise Set Aside Program; (2) create a pilot Graduated Local Business Enterprise program that will enable graduated firms to receive a 5% bid discount; and (3) allow bidders and proposers the flexibility of meeting the participation goal by either achieving adequate good faith efforts or by meeting and/or exceeding the participation goal based on the availability of MBEs, WBEs, and OBEs.

3/17/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/16/2009.

090321 **[Massage Services in South of Market Residential/Service Mixed Use District]** **Supervisor Dufty**

Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

3/17/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/16/2009.

090327 **[First Source Hiring Program - expand definitions of "entry level position" and "economically disadvantaged individual"]** **Supervisor Mirkarimi**

Ordinance amending section 83.4 of the San Francisco Administrative Code by expanding the definitions of "economically disadvantaged individual" and "entry level position."

3/17/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/16/2009.

090328 **[Eligibility Criteria for Community Living Fund]** **Supervisors Mirkarimi, Mar**

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-12, to establish a pilot program using the Elder Economic Security Index Fund as a factor for determining eligibility for the Community Living Fund

3/17/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 4/16/2009.

090329 **[Recreation and Park Department - Sharp Park]** **Supervisor Mirkarimi**

Ordinance making environmental findings and amending San Francisco Park Code Article 3 by adding Section 3.20, to require the Recreation and Park Department to develop a plan, schedule and budget for restoring Sharp Park habitat for the California red-legged frog and the San Francisco garter snake in conformance with the requirements of the Endangered Species Act, and transferring Sharp Park to, or developing a joint management agreement with, the Golden Gate National Recreation Area.

3/17/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090332 **[Public Employment - San Francisco Employees' Retirement System]** **Mayor, Supervisor Elsbernd**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one position: 0965 Department Head V (FTE 0.25) and the deletion of one position: 0964 Department Head IV (FTE 0.25) at the San Francisco Employees' Retirement System.

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090336 **[Appropriating $4,211,947 of Revenue and General Fund Reserve for the November 2008 and May 2009 elections in the Department of Elections for Fiscal Year 2008-2009]** **Mayor**

Ordinance appropriating $3,181,333 of State mandated cost reimbursement revenue, $79,597 of county candidate filing fee revenue, and $1,124,751 of General Fund Reserve, for a total appropriation of $4,385,681, for costs associated with the November 2008 General Election and May 2009 Special Election in the Department of Elections for Fiscal Year 2008-2009.

(Fiscal Impact.)

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

090257 **[Commending Mary Red]** **Supervisors Dufty, Chiu, Maxwell, Daly, Alioto-Pier, Elsbernd, Mirkarimi, Chu, Campos, Mar, Avalos**

Resolution commending Mary Red on the occasion of her retirement from the Office of the Clerk of the Board of Supervisors after 35 years of service to the City and County of San Francisco. (Clerk of the Board)

3/17/09, ADOPTED.

090305 **[Honoring Gene Marie O'Connell's 32 years of service and the contributions she has made to the City and County of San Francisco]** **Supervisors Dufty, Elsbernd, Avalos, Chiu, Maxwell, Mirkarimi, Chu, Campos, Mar**

Resolution honoring Gene Marie O'Connell's 32 years of service and the contributions she has made to the City and County of San Francisco.

3/17/09, ADOPTED.

090322 **[Accept and Expend Grant Funds - Healthy San Francisco program evaluation - $250,000]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $250,000 from the California Endowment to fund the Healthy San Francisco program evaluation; for the period of January 1, 2009 through July 31, 2010.

(Fiscal Impact.)

3/17/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090323 **[Approval of Software License and Software Maintenance contracts between the Department of Public Health and Philips Healthcare]** **Supervisor Dufty**

Resolution authorizing the Department of Public Health to enter into a Software License and Software Maintenance contract with Philips Healthcare.

3/17/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090324 **[Accept and Expend Grant - U.S. Transportation Security Administration - $15,800,000]** **Supervisor Elsbernd**

Draft resolution authorizing the Airport to accept and expend a grant in the amount not-to-exceed Fifteen Million Eight Hundred Thousand Dollars ($15,800,000) from the Transportation Security Administration for the Terminal 2 In-Line Explosives Detection System Matrix.

(Fiscal Impact.)

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090325 **[Street Name Change to Willie L. Brown, Jr. Boulevard]** **Mayor, Supervisors Maxwell, Dufty, Elsbernd, Chu, Alioto-Pier**

Resolution initiating the process to change the name of Third Street to Willie L. Brown, Jr. Boulevard in recognition of Willie L. Brown, Jr.'s many contributions to San Francisco and the State of California.

3/17/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090326 **[Accept and Expend DWR Grant Funds - SFPUC - $517,500]** **Supervisor Maxwell**

Resolution authorizing the San Francisco Public Utilities Commission to retroactively accept and expend a California Department of Water Resources Grant in the amount of $517,500.

(Fiscal Impact.)

3/17/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090330 **[Issuance and Sale of Revenue Bonds - Westmont College - $122,500,000]** **Supervisor Mirkarimi**

Resolution approving the issuance and sale of revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed $122,500,000 to finance educational facilities owned and operated by the Westmont College.

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090331 **[Accept and Expend Private Grant - Back on Track Program - $111,998]** **Supervisor Mirkarimi**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $111,998 through the San Francisco Foundation, for a program entitled "Back on Track Re-entry Program" for fiscal year 2008-2009 and 2009-2010.

3/17/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090337 **[Library Fee Amnesty Program]** **Mayor, Supervisors Chiu, Mirkarimi**

Resolution authorizing the Library Commission to establish a fee amnesty program for overdue Library materials to take place during a two-week period in May 2009, pursuant to Section 8.21-3 of the San Francisco Administrative Code.

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090338 **[International Museum of Women]** **Supervisors Alioto-Pier, Chu, Maxwell, Dufty, Mar, Campos**

Resolution urging the City and County of San Francisco to aid the International Museum of Women in their efforts to secure a permanent physical location in San Francisco to display their exhibitions and to educate and enrich those who visit.

3/17/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090339 **[Timothy Pflueger Day - March 22, 2009]** **Supervisors Chiu, Campos**

Resolution proclaiming March 22, 2009, to be Timothy Pflueger Day in San Francisco.

3/17/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090341 **[Celebrating March 2009 as American Red Cross Month]** **Supervisors Dufty, Campos**

Resolution celebrating March 2009 as American Red Cross Month.

3/17/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090342 **[Recognizing freshwater as a human right and the importance of access to safe drinking water for all]** **Supervisors Dufty, Campos, Daly**

Resolution recognizing freshwater as a human right and the importance of access to safe drinking water for all.

3/17/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090343 **[Honoring Sandee Blechman for her thirteen years of dedicated service]** **Supervisor Dufty**

Resolution honoring Sandee Blechman for her thirteen years of dedicated service to the Jewish Community Center of San Francisco.

3/17/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090344 **[Apply for Caltrans Transportation Planning Grant]** **Supervisors Maxwell, Campos**

Resolution authorizing the San Francisco Planning Department to apply for a planning grant from the California Department of Transportation (Caltrans) for the purpose of conducting a community design process for Cesar Chavez Street.

3/17/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090345 **[Accept and Expend Private Grant - Arts Commission - $5,000]** **Supervisor Maxwell**

Resolution authorizing the Arts Commission of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $5,000 from the Cynthia Woods Mitchell Fund for Historic Interiors (a fund of the National Trust for Historic Preservation) for the Bayview Opera House Renovation and Restoration Project.

3/17/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090346 **[Celebrating the Persian New Year Holiday of Nowruz and urging San Francisco's representatives in Congress to co-sponsor Congressperson Michael Honda's Nowruz Resolution]** **Supervisors Mirkarimi, Maxwell, Alioto-Pier, Dufty, Campos**

Resolution celebrating the Persian New Year Holiday of Nowruz and urging San Francisco's representatives in Congress to co-sponsor Congressperson Michael Honda's Nowruz Resolution.

3/17/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090347 **[Commending restaurants that have stopped serving foie gras]** **Supervisors Mirkarimi, Campos**

Resolution commending restaurants that have removed foie gras from their menus.

3/17/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

090253 **[Student emergency response volunteer program]** **Supervisor Elsbernd**

Hearing on the student emergency response volunteer program.

3/17/09, RECEIVED AND ASSIGNED to City and School District Select Committee.

090306 **[Potential impact of budget cuts on programs that serve homeless]** **Supervisor Avalos**

Hearing to discuss the potential impact of budget cuts on programs that serve homeless and formerly homeless adults and families including supportive housing, shelters, drop-in centers, employment programs and other social services.

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090307 **[Department of Public Works February 20, 2009 departmental budget submissions to the Mayor's Office on proposed midyear reductions and layoffs]** **Supervisor Avalos**

Hearing to consider the Department of Public Works February 20, 2009 departmental budget submissions to the Mayor's Office, proposed midyear reductions and layoffs, major changes to departmental budgets including plans for consolidation, new initiatives, proposed layoffs and service cuts, impacts to non-profit service delivery, fee increases and other options for increasing revenues.

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090308 **[City's timeline and process to develop the City and County of San Francisco 5-Year Consolidated Plan]** **Supervisor Avalos**

Hearing on the City's timeline and process to develop the City and County of San Francisco 5-Year Consolidated Plan (Con Plan) needed to receive funding from Housing & Urban Development (HUD).

3/17/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee

090309 **[Children's Fund and Children's Baseline]** **Supervisor Avalos**

Hearing on the Children's Fund and Children's Baseline including a report from the Controller and major departments that administer and manage programs and services funded by the Children's Baseline.

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090310 **[Controller's Budget Improvement Project]** **Supervisor Avalos**

Hearing on Controller's Budget Improvement Project.

3/17/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090311 **[Update on the City's plan to utilize economic stimulus funds from the American Recovery and Reinvestment Act of 2009]** **Supervisor Avalos**

Hearing to consider update on the City's plan, preparations, and strategies to utilize economic stimulus funds from the American Recovery and Reinvestment Act of 2009 and departments' and the Mayor's proposals on how to utilize incoming investments.

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090312 **[Use of recreation areas in San Francisco]** **Supervisor Campos**

Hearing on coordination efforts between the City's Recreation and Park Department and the San Francisco Unified School District (SFUSD) for the purpose of maximizing the use of recreation areas in San Francisco.

3/17/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090313 **[San Francisco's public safety conditions on citywide crime levels]** **Supervisor Campos**

Hearing on San Francisco's public safety conditions, including a discussion of citywide crime levels and crime levels by police district station and/or neighborhood. The hearing shall include a presentation from the Mayor's Office of Criminal Justice and/or the San Francisco Police Department, which shall provide all information relevant to the discussion. The information provided shall include, without limitation: (1) update on crime statistics citywide and broken down by police district station and/or neighborhood; (2) data and plans on the progress of crime fighting strategies and crime prevention programs; (3) reports on arrests, charges, and prosecutions made; and (4) any other relevant information. To the extent possible, data shall be broken down by ethnicity, gender, age, or any other relevant category.

3/17/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090314 **[San Francisco Police Department's (SFPD) strategies for implementing various reports]** **Supervisor Campos**

Hearing on the San Francisco Police Department's (SFPD) strategies for implementing and addressing the recommendations issued in various reports, including, without limitation, the Police Executive Research Forum's (PERF) Organizational Assessment of SFPD; Dr Lorie Fridell's Fair and Impartial Policing report; the Public Safety Strategies Group's District Station Boundaries Analysis; and the report by the Community Policing Advisory Committee.

3/17/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090315 **[SF Municipal Transportation Agency (MTA) work orders]** **Supervisor Dufty**

Hearing on all San Francisco Municipal Transportation Agency (MTA) work orders since fiscal year 2006-2007 through fiscal year 2009-2010.

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090316 **[Committee of the Whole - Hearing on the Board of Supervisors' roles and responsibilities during a City Emergency]** **Supervisors Maxwell, Chiu**

Hearing on the roles and responsibilities of the Board of Supervisors during a City Emergency.

3/17/09, ASSIGNED to Board of Supervisors. Pursuant to File 090350, Board to sit as a Committee of the Whole on March 31, 2009

090317 **[Bike Plan Environmental Impact Report and Schedule for Plan Adoption]** **Supervisor Maxwell**

Hearing on the update from City agencies on the progress of the Bike Plan's CEQA analysis.

3/17/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090351 **[Committee of the Whole - Hearing on the proposed motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1]** **Supervisor Avalos**

Hearing to discuss the proposed motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

3/17/09, ASSIGNED to Board of Supervisors. Pursuant to File 090349, Board to sit as a Committee of the Whole on March 24, 2009

Motions

090348 **[Creating a subcommittee of the Budget and Finance Committee - Board of Supervisors]** **Supervisor Avalos**

Motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

3/17/09, ASSIGNED to Board of Supervisors.

090349 **[Board waiver of committee reference requirement and convening as a Committee of the Whole on March 24, 2009, for purposes of considering an amendment to Board Rule 5.1, which would create a** **Supervisors Avalos, Elshernd**

Motion suspending Rule 4.38 of the Rules of Order of the San Francisco Board of Supervisors to consider, without reference to committee, an amendment to Board Rule 5.1 which would create a subcommittee of the Budget and Finance Committee of the San Francisco Board of Supervisors; motion that the Board sit as a Committee of the Whole on March 24, 2009, for the purpose of considering the proposed amendment to Rule 5.1.

3/17/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090350 **[Board of Supervisors to sit as a Committee of the Whole - March 31, 2009]** **Supervisors Maxwell, Chiu**

Motion that the Board convenes as a Committee of the Whole on March 31, 2009, to consider Board of Supervisors File Number 090316 a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

3/17/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

PROPOSED ORDINANCES

090261 **[Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.]**

Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November 26, 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No.CGC 07-469460; settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon, and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office. (City Attorney)

2/26/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090251 **[Approve SFPUC Sunol Valley Construction Management Contract]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-915R, Sunol Valley Regional Construction Management Services, with CH2MHill, for an amount not to exceed $16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

3/9/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090252 **[Street Encroachment at 3711-19th Avenue and Crespi Drive]** **Supervisor Elsbernd**

Resolution granting revocable permission to Parkmerced Investors Properties LLC, to occupy portions of the public right-of-way to construct, realign, and maintain an existing paved curb islands to improve pedestrian accessibility and vehicular traffic circulation and safety, resurface portions of Crespi Drive with new Bomanite stamped concrete paving and install three (3) decorative columns at the entry way to Crespi Drive public right-of-way, between 19th Avenue and Serrano Drive, to enhance the Property at 3711-19th Avenue (Assessor's Blocks 7315, 7316, 7320), conditioned upon the payment of an annual assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

3/9/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090262 **[Lease of Real Property at 520 Jones Street]**

Resolution authorizing and approving the lease by and between the City and County of San Francisco, for the Department of Public Health, as Tenant, and Pacific Bay Inn, Inc., as Landlord, for the Pacific Bay Inn located at 520 Jones Street, San Francisco. (Real Estate Department)

3/2/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090263 **[Approval of an historical property contract for 166-178 Townsend Street]**

Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between 178 Townsend Properties LLC, the owner of 166-178 Townsend Street, and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract. (Planning Department)

3/2/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes
Northeast corner Post & Steiner
Southwest corner Cole & Haight
Southwest corner Shrader & Haight
Southwest corner Steiner & Haight

Bus Shelters
Southwest corner Pierce & Hayes
Northeast corner McAllister and Laguna
Southwest corner Hayes & Fillmore
All bus shelters on Haight and Fillmore need power washing and graffiti
Southwest corner Buchanan & Haight
Southeast corner Buena Vsita East
Southwest corner Buena Vista West

Fire Hydrant
Northwest corner Haight & Scott

Emergency Boxes
Southeast corner Scott & Oak
Southeast corner Haight & Steiner

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles
In front of 355 Fulton
Northeast corner Eddy & Webster
Southeast corner Fulton & Fell
Northeast corner Lyon & Scott
Southeast corner Stanyan & Hayes
Northeast corner Fell & Webster
In front of 478 Haight
Southeast Clayton & Hayes

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

300 Buchanan
799 Haight
1421 Eddy
905 Haight
173 Fillmore
1001 Haight
339 Fillmore
1020 Haight
500 Fillmore
1052 Haight
627 Fillmore
1192 Haight
733 Fillmore
1299 Haight
867 Fillmore
1301 Haight
522 Haight
1560 Haight
525 Haight
1569 Haight
609 Haight
1829 Haight
631 Haight
255 Scott
668 Stanyan

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
Northeast corner Buchanan & Haight
Northwest corner Haight & Steiner
Southeast corner Buena Vista West

Mailboxes
Southeast corner Post & Steiner

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore & Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic

Examiner
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore

SF Daily
Northwest corner of Hayes & Gough

City Star
Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly
Southeast corner of Masonic & Haight and Southeast corner of Haight & Fillmore

From: Supervisor Avalos
To: Director, Recreation and Park Department
Requesting/Inquiring: Please provide a line item summary of the Recreation and Parks Department accounting and use of the $13[illegible] million in Children's Baseline funding.

Additionally, please provide the following summary of children's programming:
For the last three fiscal years, what have been the trends regarding funding level and children/youth served for each of the major programs below:

Tiny tots?
Latchkey (both school year and summer)?
Day camps?
Other Afterschool programs?

For the last three fiscal years, what have been the trends for revenues generated from fees for these programs?

For the last three fiscal years, what have been the trends for scholarships provided for these programs?

From: Supervisor Avalos
To: Director, Department of Building Inspection
Requesting/Inquiring: Requesting a report from DBI on the baseline of services they provide to the Mission Commercial Corridor, including, but not limited to inspections and enforcement of blight, clutter, and abandoned and vacant storefronts and buildings. Please specify which services are permanent and which are considered temporary. This inquiry is in consideration of the pending approval of the Mission Commercial Corridor Community benefits District to quantify the existing level of services so that the CBD can supplement the current level services and not replace them.

From: Supervisor Avalos
To: Director, MTA
Requesting/Inquiring: Requesting a report from MTA on the baseline of services they provide to the Mission Commercial Corridor, including, but not limited to cleaning and maintenance of bus shelters and surrounding areas and traffic enforcement. Please specify which services are permanent and which are considered temporary. This inquiry is in consideration of the pending approval of the Mission Commercial Corridor Community Benefits District to quantify the existing level of services so that the CBD can supplement the current level services and not replace them.

From: Supervisor Avalos
To: Director, Department of Public Works
Requesting/Inquiring: Requesting a report from DPW on the baseline of services they provide to the Mission Commercial Corridor, including, but limited to pressure washing of sidewalks, trees and landscape maintenance, graffiti abatement, trash pickup, and sidewalk sweeping. Please specify which services are permanent and which are considered temporary. This inquiry is in consideration of the pending approval of the Mission Commercial Corridor Community Benefits District to quantify the existing level of services so that the CBD can supplement the current services and not replace them.

From: Supervisor Chiu
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft an ordinance - Standards for and Regulation of Vacant Buildings:

102A.3 Vacant/Abandoned Building Inspection & Registrations

If a residential building is entirely vacant for more than 90 days, or a commercial/mixed-use building is entirely vacant for more than 1 years, the owner of record or agent designated on the Assessor's Records must register the building as vacant property with the Department of Building Inspection.

1. Annual Registration Fee. A $625.00 annual registration fee is required.
2. Liability insurance. The owner of record is required to maintain and provide proof of Liability Insurance coverage in the amount of $300,000 minimum for residential structures and $1,000,000 for commercial or mixed use structures.
3. Sign Postage. The property owner is required to post a sign no smaller than B ½ inches by 11 inches that is protected from the weather in a conspicuous location at the front of the building delineating current information containing the name, address, and phone number of the owner of record or authorized agent. If a notice of default or foreclosure has been recorded for the subject property the lender information must also be identified.
4. Maintenance of Vacant Property, Exterior. The property owner shall keep the premises clean by maintaining vegetation; removing weeds, debris, garbage, graffiti, maintain foundations, roofs, chimneys, flues, gutters, downspouts, scuppers, flashing, exterior stairs and decks.
5. Maintenance of Vacant Property, Interior. The property owner shall keep the building interior free from garbage, debris, rodent, pest or insect infestation, and plumbing or roof leaks.
6. Vacant Building Security, Building doors, windows, and openings may be secured with plywood panels for the first year. After the first year the plywood panels must be replaced with steel security panels or secured doors and windows and a commercially services 24-hour burglar alarm system approved by the building official.

Registration fee support:

$625.00 = 2.5 hours of inspector time @ $170.00 ($425.00) plus 2 hours administrative (clerical time) @ $104.00 ($208.00) = $625.00 in round numbers.

In Memoriams

Lepeti Tuitele Fazio - Entire Board

Michael Frederick Quirie - Supervisor Elsbernd

Connie Evia - Supervisor Chiu

Percy L. Corke - Supervisor Avalos

Richard Aoki - Supervisors Mar, Mirkarimi, Maxwell

ADJOURNMENT

There being no further business the Board adjourned at the hour of 8:18 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on April 14, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.
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AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300 fax (415) 581-2317; web site www.sfgov.org/ethics

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March 24, 2009

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES

Tuesday, March 24, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll all Supervisors were noted present.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090275 **[Waiver of temporary street space occupancy fee on April 4, 2009 for Cesar E. Chavez Holiday Parade and Festival 2009]** **Supervisor Campos**

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain blocks of 24th Street on Saturday, April 4, 2009 as part of Cesar E. Chavez Holiday Parade and Festival 2009.

Enacted Number: 40-09

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

090230 **[MOU, Amendment No. 1 - Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.)]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Enacted Number: 45-09

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

081504 **[Massage Services in South of Market Residential/Service Mixed Use District]** **Supervisors Daly, Dufty**

Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Enacted Number: 49-09

FINALLY PASSED

081598 **[Public Works Code - Appellate body for minor sidewalk encroachments]** **Supervisor Elsbernd**

Ordinance amending the Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits from the Board of Supervisors to the Board of Appeals.

Enacted Number: 48-09

FINALLY PASSED

Recommendations of the Rules Committee

090117 **[Settlement of Lawsuit - Antia Lelaind - $175,000]**

Ordinance authorizing settlement of the lawsuit filed by Antia Lelaind against the City and County of San Francisco et al. for $175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. C06-05870 MHP; entitled Antia Lelaind v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 46-09

FINALLY PASSED

090158 **[Settlement of Lawsuit - Mark Boyd - $85,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for $85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 47-09

FINALLY PASSED

090172 **[Settlement of complaint before the Federal Energy Regulatory Commission and approval of Revised Procedures]**

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities. (Public Utilities Commission)

Enacted Number: 41-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Campos requested that this matter be severed so that it might be considered separately.

081620 **[Zoning - Ordinance amending the Planning Code to correct errors and omissions]** **Supervisor Maxwell**

Ordinance amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Sections 504 and 503 of the Housing Code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend Section 263.9 to properly reference Chart C instead of Chart B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections 816.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section 225 Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section 255 which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks; and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1. (Planning Department)

Supervisor Elsbernd moved to divide the question relating to the proposed change to the height limit for property located at Block 3616, Lot 07.

Supervisor Daly, seconded by Supervisor Campos, moved to table the remaining legislation without the proposed amendment.

Supervisor Daly withdrew his motion to table the matter.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to continue this matter to June 2, 2009.

Motion to continue this matter to June 2, 2009 failed by the following vote:

Ayes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell

Enacted Number: 51-09

FINALLY PASSED by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

090381 **[Zoning Map Amendment - 2550 Mission Street]** **Supervisor Campos**

Ordinance amending the San Francisco Zoning Map by amending the height district designation for property located at 2550 Mission Street, Assessor's Block 3616, Lot 007, between 21st and 22nd Streets to 65-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Amended to include language relating to the height for property located at Block 3616, Lot 07 to correct the clerical error to reduce the height from "85 ft" to "65 ft."

Supervisor Campos, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

The Clerk of the Board was directed to refer this matter to the Planning Department for review and comment.

Supervisor Campos, seconded by Supervisor Avalos, moved that this Ordinance be REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090100 **[Solar Energy Incentive Program]** **Supervisors Mirkarimi, Campos, Mar**

Ordinance amending the San Francisco Environment Code by amending Sections 18.3, 18.4, 18.6, 18.7-1, 18.7-2, 18.7-3, 18.7-4, and 18.7-6, and by repealing Section 18.7-7, to increase the incentives available to low-income and non-profit applicants under the Solar Energy Incentive Program and to make technical changes to program requirements.

Supervisors Campos and Mar requested to be added as co-sponsors.

Enacted Number: 42-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

090140 **[De-appropriating $1,000,000 of Power for Resale for use with the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009]** **Mayor, Supervisors Mirkarimi, Dufty, Mar**

Ordinance de-appropriating $1,000,000 of Power for Resale expenses and appropriating $1,000,000 for the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009, allowing $500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, and amending San Francisco Environmental Code section 18.7-5.

Supervisor Mar requested to be added as a co-sponsor.

Enacted Number: 43-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Daly, Elsbernd

090131 **[Appropriating $16,500,000 of State Loans for West Marina Yacht Harbor Renovations in the Recreation and Park Department for Fiscal Year 2008-2009]** **Supervisor Alioto-Pier**

Ordinance appropriating $16,500,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing $15,000,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs

Enacted Number: 44-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

081400 **[Recreation and Park Department - Water Use Efficiency and Recycled Water]** **Supervisors Mirkarimi, Maxwell, Campos, Mar**

Ordinance making environmental findings and amending San Francisco Park Code Article 3 by adding Section 3.19, to require the Recreation and Park Department to maximize water use efficiency and to use Recycled Water where available for Park irrigation needs.

(Fiscal Impact.)

Supervisors Campos and Mar requested to be added as co-sponsors.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

081563 **[Public Employment - San Francisco's Local Agency Formation Commission (LAFCO)]** **Supervisors Mirkarimi, Mar**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (.20 FTE) 9775L Senior Community Development Specialist II and one position (.20 FTE) 9770L Community Development Assistant to the Board of Supervisors (BOS).

(Fiscal Impact.)

Supervisor Mar requested to be added as a co-sponsor.

Enacted Number: 50-09

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendation of the Budget and Finance Committee

090024 **[Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax]** **Supervisors Alioto-Pier, Dufty**

Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to $600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition.

(Fiscal Impact.)

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to $600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition, and requiring good faith efforts to hire disadvantaged individuals as a condition of receipt of a rebate.

(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendations of the Land Use and Economic Development Committee

090077 **[Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]**

Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090170 **[Mission Bay North-Acceptance of Blocks N4, N4A and N5 Public Infrastructure Improvements]**

Ordinance accepting the Mission Bay Blocks N4, N4A and N5 Public Infrastructure Improvements on Berry Street Connector Road, King Street Frontage Road and portions of Berry Street and Fifth Street; designating street grades and sidewalk widths; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,006; and authorizing official acts in connection with this ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090171 **[Mission Bay-Acceptance of 16th Street and Vermont Street Intersection Public Infrastructure Improvements]**

Ordinance accepting the 16th Street and Vermont Street Intersection Public Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and authorizing official acts in connection with this ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090284 **[Endorsing the Recommendations of the San Francisco Fair Lending Working Group]** **Supervisors Maxwell, Campos**

Resolution endorsing the findings and recommendations contained in the final report of the San Francisco Fair Lending Working Group.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 96-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

Board of Supervisors Sitting as a Committee of the Whole

090351 **[Committee of the Whole - Hearing on the proposed motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1]** **Supervisor Avalos**

Hearing to discuss the proposed motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

The President inquired as to whether any member wished to address the Board members. There were none.

The President declared the public hearing closed.

FILED.

090348 **[Creating a subcommittee of the Budget and Finance Committee - Board of Supervisors]** **Supervisor Avalos**

Motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1to create a subcommittee of the Budget and Finance Committee.

Enacted Number: M09-53

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, El sbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier welcomed, introduced and presented Certificates of Honor to members of Liuna! Local 261, Nikki Mixon, Terry McDevitt, Edison Fincher, Adrian Field, Theresa Foglio and Joan Vellutini in recognition of their outstanding service to the City and County of San Francisco.

Supervisor Dufty welcomed, introduced and presented Certificates of Honor to members of the American Red Cross in appreciation for their service to the City and County of San Francisco.

Supervisor Campos welcomed, introduced and presented Certificates of Honor to members of Bernal Heights Neighborhood Center, Joseph Smooke and Kevin Kitchingham, in recognition of their 30th Anniversary.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the decrease in tourism due to the homeless situation in San Francisco

James Chaffee; expressed concern with issues relating to the SF Public Library

Walter; shared in song certain issues with the Board

Male speaker; expressed concern with issues relating to the financial and economic crisis

Anastasia; expressed concern with issues relating to the financial and economic crisis

Marvin; expressed concern with issues relating to the financial and economic crisis

Male speaker; expressed concern with issues relating financial and economic crisis

Philip Gary; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Lori Back; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Female speaker; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Ryan Luker; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Marcus Lucero; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Peter Warfield; expressed concern with issues relating to the Park Library renovations

John Di Donna; expressed concern with issues relating to the deaths of soldiers dying in the Iraq War

Dr. Elliot Katz; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Male speaker; expressed concern with issues relating to the Shelter Monitoring Committee

Male speaker; expressed concern with issues relating to illegal immigrants

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090338 **[International Museum of Women]** **Supervisors Alioto-Pier, Chu, Maxwell, Dufty, Mar, Campos**

Resolution urging the City and County of San Francisco to aid the International Museum of Women in their efforts to secure a permanent physical location in San Francisco to display their exhibitions and to educate and enrich those who visit.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 95-09

ADOPTED

090339 **[Timothy Pflueger Day - March 22, 2009]** **Supervisors Chiu, Campos**

Resolution proclaiming March 22, 2009, to be Timothy Pflueger Day in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 99-09

ADOPTED

090343 **[Honoring Sandee Blechman for her thirteen years of dedicated service]** **Supervisor Dufty**

Resolution honoring Sandee Blechman for her thirteen years of dedicated service to the Jewish Community Center of San Francisco.

Enacted Number: 98-09

ADOPTED

090344 **[Apply for Caltrans Transportation Planning Grant]** **Supervisors Maxwell, Campos**

Resolution authorizing the San Francisco Planning Department to apply for a planning grant from the California Department of Transportation (Caltrans) for the purpose of conducting a community design process for Cesar Chavez Street.

Enacted Number: 76-09

ADOPTED

090345 **[Accept and Expend Private Grant - Arts Commission - $5,000]** **Supervisor Maxwell**

Resolution authorizing the Arts Commission of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $5,000 from the Cynthia Woods Mitchell Fund for Historic Interiors (a fund of the National Trust for Historic Preservation) for the Bayview Opera House Renovation and Restoration Project.

Enacted Number: 100-09

ADOPTED

090346 **[Celebrating the Persian New Year Holiday of Nowruz and urging San Francisco's representatives in Congress to co-sponsor Congressperson Michael Honda's Nowruz Resolution]** **Supervisors Mirkarimi, Maxwell, Alioto-Pier, Dufty, Campos**

Resolution celebrating the Persian New Year Holiday of Nowruz and urging San Francisco's representatives in Congress to co-sponsor Congressperson Michael Honda's Nowruz Resolution.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 103-09

ADOPTED

090347 **[Commending restaurants that have stopped serving foie gras]** **Supervisors Mirkarimi, Campos**

Resolution commending restaurants that have removed foie gras from their menus.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 97-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

090239 **[Adopting a proposed schedule of audits to be conducted of programs of City and County departments]** **Supervisor Mirkarimi**

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

Enacted Number: M09-55

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

090341 **[Celebrating March 2009 as American Red Cross Month]** **Supervisors Dufty, Campos**

Resolution celebrating March 2009 as American Red Cross Month.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 101-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090349 **[Board waiver of committee reference requirement and convening as a Committee of the Whole on March 24, 2009, for purposes of considering an amendment to Board Rule 5.1, which would create a** **Supervisors Avalos, Elsbernd**

Motion suspending Rule 4.38 of the Rules of Order of the San Francisco Board of Supervisors to consider, without reference to committee, an amendment to Board Rule 5.1 which would create a subcommittee of the Budget and Finance Committee of the San Francisco Board of Supervisors; motion that the Board sit as a Committee of the Whole on March 24, 2009, for the purpose of considering the proposed amendment to Rule 5.1.

Enacted Number: M09-54

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090342 **[Recognizing freshwater as a human right and the importance of access to safe drinking water for all]** **Supervisors Dufty, Campos, Daly**

Resolution recognizing freshwater as a human right and the importance of access to safe drinking water for all.

Supervisor Campos requested to be added as a co-sponsor.

REFERRED to the City Operations and Neighborhood Services Committee.

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

090350 **[Board of Supervisors to sit as a Committee of the Whole - March 31, 2009]** **Supervisors Maxwell, Chiu**

Motion that the Board convenes as a Committee of the Whole on March 31, 2009, to consider Board of Supervisors File Number 090316, a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Campos, moved ADOPTION of the purely commendatory act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090359 **[Commending officers of the Oakland Police Department who were killed in the line of duty]** **Supervisors Dufty, Chiu, Alioto-Pier, Avalos, Campos, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi**

Resolution honoring the public service of Oakland Police Department Officers John Hege, Mark Dunakin, Daniel Sakai and Ervin Romans on the occasion of their sacrifice in the line of duty.

Enacted Number: 102-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090367 **[Planning Code Amendment - Philanthropic Administrative Service Use; Zoning Map Amendment - 2503 Clay Street]** **Supervisor Alioto-Pier**

Ordinance amending the San Francisco Planning Code by adding Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet ZN02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street) from RH-2 to NCD; adopting findings, including environmental findings, Section 301 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

3/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2009.

090368 **[Waiver of Candle Permit Fee in Support of "Earth Hour San Francisco 2009"]** **Supervisor Alioto-Pier**

Ordinance waiving candle permit fee under Fire Code Section 112-A for entities who apply for a permit for a one-time basis in order to participate in "Earth Hour San Francisco 2009" on March 28, 2009 and use candles pre-approved by the San Francisco Fire Department.

3/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090369 **[Office Building After-Hours Lighting]** **Supervisor Chiu**

Ordinance amending the San Francisco Environment Code by adding a new Chapter 9 to conserve electricity by prohibiting commercial buildings from lighting unoccupied interior spaces after business hours; and to make environmental findings.

3/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2009.

090227 **[Building Code - Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building.

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009. 3/2/09 - Referred to the Building Inspection Commission and the Small Business Commission for review and comment.

3/3/09, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.

3/5/09, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation.

3/11/09, RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060 (c)(2).

3/24/09, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

3/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/23/2009. The due date for 30 day rule was reset as the substituted legislation is significantly different from the original legislation as advised by the City Attorney's Office.

Resolutions

090359 **[Commending officers of the Oakland Police Department who were killed in the line of duty]** **Supervisors Dufty, Chiu, Alioto-Pier, Avalos, Campos, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi**

Resolution honoring the public service of Oakland Police Department Officers John Hege, Mark Dunakin, Daniel Sakai and Ervin Romans on the occasion of their sacrifice in the line of duty.

3/24/09, ADOPTED.

090370 **[Amending PG&E Energy Conservation Revenue Contract]** **Mayor**

Resolution authorizing the Department of the Environment to amend a revenue contract with Pacific Gas and Electric Company ("PG&E") to add up to $ 3,700,000 and to further amend such contract up to an additional $3,000,000 to continue the Partnership Program between PG&E and the City and County of San Francisco for the Energy Use and Demand Reduction through Energy Efficiency Program.

(Fiscal Impact.)

3/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090371 **[Rebuild of St. Luke's Hospital - Evaluation of temporary hospital structure]** **Supervisors Alioto-Pier, Maxwell**

Resolution urging the California Pacific Medical Center to evaluate the concept of building a temporary hospital while constructing the rebuild of St. Luke's Hospital.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090372 **[Rebuild of St. Luke's Hospital]** **Supervisors Alioto-Pier, Maxwell**

Resolution urging the Planning Department and the Historic Preservation Commission to evaluate the historic integrity of the 1912 building on the St. Luke's campus and to determine whether or not the 1912 building might be a historic resource under the California Environmental Quality Act.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090373 **[Supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act]** **Supervisors Avalos, Mirkarimi, Mar, Campos**

Resolution supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act, supporting creation of the Creative Industries and Community Economic Revitalization Fund; and urging passage of Assembly Bill 700 in the current legislative session.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090374 **[National Start! Walking Day - April 8, 2009]** **Supervisors Chiu, Campos**

Resolution proclaiming April 8, 2009, as "National Start! Walking Day" in San Francisco.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090375 **[Supporting Assembly Bill 1000, paid sick day legislation]** **Supervisors Daly, Maxwell, Mar, Campos**

Resolution declaring support of Assembly Bill 1000 (Ma) that would provide California workers with earned paid sick days.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090376 **[Accept and Expend Grant - Juvenile Probation Department - $25,000]** **Supervisor Elsbernd**

Resolution authorizing the Juvenile Probation Department to accept and expend a grant in the amount of $25,000 from the Annie E. Casey Foundation for continuing support of the juvenile justice reform activities at the Juvenile Probation Department.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090377 **[The Board of Supervisors endorsing and supporting the event "SF Youth Unity," a youth environmental summit and green block party]** **Supervisor Elsbernd**

Resolution urging the Board of Supervisors to endorse and support the event "SF Youth Unity", a youth environmental summit and green block party.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090378 **[Supporting Senate Bill 675, the Clean Technology and Renewable Energy Job Training, Career Education and Dropout Prevention Act]** **Supervisors Mar, Maxwell, Campos**

Resolution supporting Senate Bill 675, the Clean Technology and Renewable Energy Job Training, Career Education and Dropout Prevention Act.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090380 **[Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 (ARRA)]** **Mayor, Supervisors Elsbernd, Chiu, Chu**

Resolution authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend Federal grant funds.

3/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request for Hearings

090360 **[Rebuild of St. Luke's Hospital - Evaluation of Temporary Hospital Structure]** **Supervisors Alioto-Pier, Maxwell**

Hearing on the rebuild of St. Luke's Hospital and evaluation of temporary hospital structure. The hearing will explore the feasibility of a temporary hospital structure during the rebuild of St. Luke's Hospital. The hearing will call upon the California Pacific Medical Center to present its findings on the cost effectiveness of building a temporary hospital while keeping in mind the three core values adopted by the Blue Ribbon Panel to (1) maintain continuity of service; (2) to ensure low impact on the residents of the neighborhood and (3) to consider the "life cycle planning cost" which considers construction time, new care models, technology and flexibility.

3/24/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090361 **[Joint hearing of the Public Safety Committee of the Board of Supervisors and the Police Commission - San Francisco's City of Refuge Ordinance]** **Supervisor Campos**

Joint hearing of the Public Safety Committee and the San Francisco Police Commission on the San Francisco Police Department's (SFPD) implementation of and compliance with San Francisco's City of Refuge Ordinance. The hearing shall include a presentation and discussion of SFPD's interaction and coordination with the Department of Juvenile Probation. The hearing shall include a presentation by or discussion with the Department of Juvenile Probation.

3/24/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090362 **[S.F. Police Department's procedures with respect to rallies or other First Amendment activities]** **Supervisors Campos, Mirkarimi**

Hearing on the protocols, guidelines, and procedures that the San Francisco Police Department follows with respect to rallies, protests, demonstrations, or other First Amendment activities.

3/24/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090363 **[Public safety impact of budget cuts proposed by various departments]** **Supervisor Campos**

Hearing on the public safety impact of budget cuts proposed by various departments, including the Juvenile Probation Department, the Department of Children, Youth and their Families, and the Department of Public Health.

3/24/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090364 **[Local Business Enterprises]** **Supervisor Chiu**

Hearing for the Human Rights Commission to present to the Board of Supervisors current data on the number, dollar value, and type of contracts awarded to Local Business Enterprises as required by Administrative Code Section 14B.15.

3/24/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090365 **[Programs available to homeless children and youth enrolled in SFUSD]** **Supervisor Elsbernd**

Hearing to review programs for and services available to homeless children and youth enrolled in San Francisco Unified School District (SFUSD). Hearing will address current collaboration between the city, school district, and community partners to provide services for these students and their families, and recommend ways to better coordinate in the future. Hearing will also address homeless children and youth living in San Francisco who are not enrolled in school.

3/24/09, RECEIVED AND ASSIGNED to City and School District Select Committee.

090366 **[Climate Action Plan]** **Supervisor Mirkarimi**

Hearing before the Government Audit and Oversight Committee to receive and review the report prepared pursuant to the City's Climate Action Plan.

3/24/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Motion

090379 **[Rescheduling the April 7, 2009 Board meeting to 10:00 am]** **Supervisor Chiu**

Motion rescheduling the April 7, 2009 regular meeting of the Board of Supervisors to begin at 10:00 am in the Board Chamber in City Hall on that day.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED RESOLUTIONS

090254 **[Approving office supplies contract over $10 million with Office Depot]**

Resolution approving the award of the City's new contract for office supplies to Office Depot (Contractor) and approving the contract's not-to-exceed amount of $17.5 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

3/13/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090256 **[Agreement to Purchase an Access and Communication Easement in Tuolumne County]**

Resolution approving and authorizing an agreement for the purchase of a perpetual, nonexclusive easement for access and installation of communications equipment in Tuolumne County (the "Easement"), for a purchase price of $9,600, to facilitate and implement the project to upgrade the Hetch Hetchy Communications System; adopting environmental findings and findings under San Francisco Planning Code Section 101.1; and authorizing the Director of Property and/or the General Manager of the San Francisco Public Utilities Commission to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

3/16/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Chiu
To: City Attorney
Requesting/Inquiring: Requesting that the City Attorney prepare a Motion that the Board of Supervisors convene in closed session on March 31, 2009 with the Mayor's Office and the Department of Human Resources concerning negotiations with Labor Unions representing City Workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works ta report on the status of repairing potholes at the following locations:

On Divisadero between Geary and Eddy
In front of 1472 McAllister

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
Southwest corner Divisadero & McAllister
Southwest corner Divisadero & Geary

Mailboxes
Northeast corner Laguna & Fell

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes
Southwest Post & Scott
Northeast corner Post & Steiner
Northeast corner Baker & Turk
Southeast corner Scott & Fillmore
Southwest corner Broderick & Fulton
In front of 1589 Haight

Bus Shelters
Southwest corner Pierce & McAllister
Northwest corner Divisadero & Ellis
Northeast McAllister & Buchanan
Fillmore & Haight (all 4 bus stops)

Emergency Boxes
Southeast corner Page & Steiner
Northeast corner Divisadero & Page

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole
In front of 1576 McAllister
Northwest corner Steiner & Waller
Southeast corner Divisadero & Page
Northwest corner Fillmore & Haight (near bus shelter)

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

542 Haight
378 Fulton
999 Oak
598 Laguna (on the Linden Alley side)
1689 Fillmore
803 Fillmore
349 Fillmore
339 Fillmore
600 Page
601 Haight
500 Fillmore
573 Fillmore
279 Fillmore
926 Divisadero

In Memoriams

Buddy Summerfield - Entire Board

Brent Ching - Entire Board

Kristen Ching - Entire Board

Heyley Ching - Entire Board

Caleb Ching - Entire Board

Dr. Erin Jacobson - Entire Board

Amy Jacobson - Entire Board

Taylor Jacobson - Entire Board

Ava Jacobson - Entire Board

Jude Jacobson - Entire Board

Mike Pellen - Entire Board

Dr. Vanessa Pullen - Entire Board

Sydney Pullen - Entire Board

Christopher Pullen - Entire Board

Sgt. Daniel Sakai - Entire Board

Officer John Hege - Entire Board

Sgt. Mark Dunakin - Entire Board

Sgt. Ervin Romans - Entire Board

John Kanaley - Supervisors Elsbernd and Chu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:01 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on April 21, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

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In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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March 31, 2009

City and County of San Francisco

City Hall
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San Francisco, CA 94102-4689

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MEETING MINUTES

Tuesday, March 31, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of February 24, 2009, and March 3, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090262 **[Lease of Real Property at 520 Jones Street]**

Resolution authorizing and approving the lease by and between the City and County of San Francisco, for the Department of Public Health, as Tenant, and Pacific Bay Inn, Inc., as Landlord, for the Pacific Bay Inn located at 520 Jones Street, San Francisco. (Real Estate Department)

Enacted Number: 110-09

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

090198 **[Accept and Expend Federal Grant Funds - San Francisco Fire Department - $297,030]** **Supervisor Dufty**

Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of $297,030 from the Federal Emergency Management Agency (FEMA) to develop and implement an Advanced Driver Training Program for its uniformed employees. (Fire Department)

Enacted Number: 115-09

ADOPTED

090282 **[Accept and Expend Federal Grant Funds - Department of Public Works - $1,475,675]** **Supervisor Elsbernd**

Resolution authorizing the Department of Public Works to retroactively accept and expend a grant in the amount of $1,475,675 from the U.S. Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Discretionary Grants Program.

Enacted Number: 112-09

ADOPTED

090283 **[Accept and Expend Department of Energy 700 Pennsylvania Avenue Grant Funds - $610,080]** **Supervisor Maxwell**

Resolution authorizing the San Francisco Public Utilities Commission (SFPUC) to accept and expend a grant in the amount of $610,080 from the U.S. Department of Energy through the Consolidated Appropriations Act of 2008 under the Energy Policy Act of 2005 (P.L. 109-58) for the Muni Ways & Structures Building (700 Pennsylvania Avenue) Solar Evaluation Project.

(Fiscal Impact.)

Enacted Number: 93-09

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090077 **[Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]**

Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings. (Planning Department)

Enacted Number: 55-09

FINALLY PASSED

090170 **[Mission Bay North-Acceptance of Blocks N4, N4A and N5 Public Infrastructure Improvements]**

Ordinance accepting the Mission Bay Blocks N4, N4A and N5 Public Infrastructure Improvements on Berry Street Connector Road, King Street Frontage Road and portions of Berry Street and Fifth Street; designating street grades and sidewalk widths; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,006; and authorizing official acts in connection with this ordinance. (Public Works Department)

Enacted Number: 53-09

FINALLY PASSED

090171 **[Mission Bay-Acceptance of 16th Street and Vermont Street Intersection Public Infrastructure Improvements]**

Ordinance accepting the 16th Street and Vermont Street Intersection Public Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and authorizing official acts in connection with this ordinance. (Public Works Department)

Enacted Number: 54-09

FINALLY PASSED

Recommendations of the Rules Committee

090212 **[Settlement of Lawsuit - State of California v. Foley, City and County of San Francisco, et al.]**

Ordinance authorizing settlement of the lawsuit filed by State of California, acting through the Department of Transportation ("Caltrans") against the City and County of San Francisco in exchange for the provision of an easement modification agreement relocating certain access rights and otherwise preserving the pre-existing easement rights of the City and County of San Francisco and making environmental findings; the lawsuit was filed on June 29, 2006 in Alameda County Superior Court, Case No. RG06277087, entitled State of California v. Foley, City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Judgment in Condemnation and [Proposed] Judgment (and exhibits thereto), contained in Board of Supervisors File No. 090212. (City Attorney)

PASSED ON FIRST READING

090261 **[Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.]**

Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November [illegible], 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No. CGC-07-[illegible]; for settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office. (City Attorney)

PASSED ON FIRST READING.

090303 **[Appointment, Child Care Planning and Advisory Council - Maria Luz Torre]**

Motion appointing Maria Luz Torre, term ending December 31, 2010, to the Child Care Planning and Advisory Council.

Maria Luz Torre succeeding herself, term expired, seat 10, must be a nominee of District 10 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative" for unexpired portion of a three-year term ending December 31, 2010.

Enacted Number: M09-60

APPROVED.

090304 **[Appointment, Voting Systems Task Force - James Soper]**

Motion appointing James Soper, term to be determined, to the Voting Systems Task Force, residency requirement waived.

James Soper, seat 9, new assignment, must have a background working in accommodation of persons with disabilities, for two-year term to be determined.

Enacted Number: M09-61

APPROVED.

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the Consent Agenda

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

090280 **[Accept and Expend State Grant Funds - S.F. Recreation and Park Department Supervisor Dufty - $157,000]**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant administered by the California Department of Parks and Recreation in the amount of $157,000 for the Glen Canyon Islais Creek Restoration Project.

Continued to April 7, 2009.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

090340 **[Adopting findings related to the reversal of the approval of the mitigated negative declaration adopted by the Planning Commission for 110 The Embarcadero]**

Motion adopting findings related to the reversal of the approval of the mitigated negative declaration adopted by the Planning Commission for 110 The Embarcadero. (Clerk of the Board)

Amended on page 7, line, 2 after "current and" by adding "reasonably foreseeable."

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

APPROVED AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Budget and Finance Committee

090024 **[Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax]** **Supervisors Alioto-Pier, Dufty**

Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to $600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition, and requiring good faith efforts to hire disadvantaged individuals as a condition of receipt of a rebate.

(Fiscal Impact.)

Supervisor Avalos, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendation of the Government Audit and Oversight Committee

081400 **[Recreation and Park Department - Water Use Efficiency and Recycled Water]** **Supervisors Mirkarimi, Maxwell, Campos, Mar**

Ordinance making environmental findings and amending San Francisco Park Code Article 3 by adding Section 3.19, to require the Recreation and Park Department to maximize water use efficiency and to use Recycled Water where available for Park irrigation needs.

(Fiscal Impact.)

Enacted Number: 52-09

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

NEW BUSINESS

Recommendation of the Budget and Finance Committee

090281 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Alameda Siphon No. 4 Project]** **Supervisor Elsbernd**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of the Alameda Siphon No. 4 Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

Enacted Number: 94-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

081330 **[Adopting the United Nations Convention on the Rights of the Child]** **Supervisor Campos**

Resolution urging the Board of Supervisors to adopt the United Nations Convention on the Rights of the Child and supporting its inalienable freedoms for children and youth in San Francisco.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to continue this matter.

The motion to continue this matter failed by the following vote:

Ayes: 3 - Alioto-Pier, Chu, Elsbernd

Noes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier moved to divide the question relating to "FURTHER RESOLVED, That the Board of Supervisors following the United Nations Conventions on the Rights of the Child hereby declares it City policy to provide every youth who has contact with the juvenile justice system his or her right to full due process under the law before any City employee initiates communication with federal immigration officials regarding said youth's disposition." (See File No. 090430)

DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090430 **[Adopting the United Nations Convention on the Rights of the Child]** **Supervisor Campos**

Resolution urging the Board of Supervisors declaring its City policy to provide every youth who has contact with the juvenile justice system his or her right to full due process under the law before any City employee initiates communication with federal immigration officials regarding said youth's disposition.

Enacted Number: 105-09

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

081526 **[Requesting Establishment of a Do Not Mail Registry]** **Supervisors Mirkarimi, Dufty, Campos**

Resolution urging both the California State Legislature and United States Congress to establish a Do Not Mail Registry

Enacted Number: 106-09

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

Recommendations of the Land Use and Economic Development Committee

090178 **[Zoning Map Amendments in connection with the Balboa Park Station Area Plan]** **Supervisors Avalos, Elsbernd**

Ordinance amending Sheets ZN11, ZN12, HT11, HT12 and SU12 of the City and County of San Francisco Zoning Map to revise use districts and height and bulk districts within the Balboa Park Station Area Plan and to delete the Ocean Avenue Fast Food Restricted Use Subdistrict in its entirety; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090180 **[Approving General Plan Amendments in connection with the Balboa Park Station Area Plan]** **Supervisors Avalos, Elsbernd**

Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

(Economic Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090181 **[Planning Code Amendments in connection with the Balboa Park Station Area Plan]** **Supervisors Avalos, Elsbernd**

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Balboa Park Station Area Plan, running the length of Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue and including the City College of San Francisco Phelan campus and San Francisco Public Utilities Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station Area Plan impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1

(Economic Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090179 **[Balboa Park Station Area Plan - monitoring program]** **Supervisors Avalos, Elsbernd**

Ordinance amending the Administrative Code Chapter 10E to establish the Balboa Park Station Area Plan Monitoring Program for purposes of reviewing the effectiveness of the Balboa Park Station Area Plan and implementation of specified improvements, and adopting environmental findings.

(Economic Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090182 **[Federal Economic Recovery Support for Balboa Park Station Area Plan]** **Supervisor Avalos**

Resolution urging city departments to set the Balboa Park Station Area Plan as an identified priority when seeking Federal Economic Stimulus funding, and to work with San Francisco's Congressional delegation to ensure, to the extent possible, that Federal Economic Recovery legislation includes funding for the Balboa Park Station Area Plan.

Enacted Number: 109-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090153 **[Appointment, Police Commission - Vincent Pan]**

Motion confirming the Rules Committee's nomination of, and appointing, Vincent Pan, term ending April 30, 2010, to the San Francisco Police Commission.

Vincent Pan, succeeding David Campos, resigned, seat 2, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a four-year term ending April 30, 2010.

Enacted Number: M09-59

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090259 **[Reappointment, Municipal Transportation Agency Board of Directors - Tom Nolan]**

Motion confirming the Mayor's reappointment of Tom Nolan to the Municipal Transportation Agency Board of Directors, term ending March 1, 2013. (Mayor)

At least four of the Directors must be regular riders of the Municipal Railway and must continue to be regular riders during their terms. The directors must possess significant knowledge of, or profesional experience in, one or more of the fields of government, finance or labor relations. At least two of the directors must possess significant knowledge of or professional experience in, the field of public transportation. During their terms, all directors shall be required to ride the Municipal Railway on the average once a week.

Enacted Number: M09-57

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090302 **[Appointment, Golden Gate Bridge, Highway and Transportation District - Richard Grosboll]**

Motion appointing Richard Grosboll, term ending January 31, 2011, to the Golden Gate Bridge, Highway and Transportation District.

Richard Grosboll, seat 3, succeeding himself, term expired, represents public at large, subject to review and affirmation by the Board of Supervisors.

Enacted Number: M09-58

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Board of Supervisors Sitting as a Committee of the Whole

090316 **[Committee of the Whole - Hearing on the Board of Supervisors' roles and responsibilities during a City Emergency]** **Supervisors Maxwell, Chiu**

Hearing on the roles and responsibilities of the Board of Supervisors during a City Emergency.

Continued to April 28, 2009.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the violence against police officers

James Chaffee; expressed concern with issues relating to the SF Public Library

Male speaker; shared with the Board members his religious beliefs

Robert Haaland; expressed concern with issues relating to juvenile justice for the LGBT community

Female speakers; expressed concern with issues relating to immigration rights

Evelyn Sanchez; expressed concern with issues relating to immigration rights

Isabell Alexander; expressed concern with issues relating to immigration rights

Angela Chan; expressed concern with issues relating to juvenile justice

Steve Krystofiak; expressed concern with issues relating to interest rates

Alice Linster; expressed concern with issues relating to do not mail registry and juvenile justice

Joseph Smooke; expressed concern with issues relating to St. Luke's Hospital expansion

Nato Green; expressed concern with issues relating to St. Luke's Hospital expansion

Female speaker, expressed concern with issues relating to solving child homicides and violence in the community

Walter; shared in song concern with general issues

Female speaker; expressed concern with issues relating to immigration rights

CLOSED SESSION

090382 **[Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]** **Supervisor Chiu**

Motion that the Board of Supervisors convene in closed session on March 31, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with Labor Unions representing City Workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e)

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The Board recessed at the hour of 4:15 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present:

Supervisors Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Persons in attendance:

Cheryl Adams, Deputy City Attorney

Micki Callahan, Director of Department of Human Resources

Martin Gran, Representative of the Department of Human Resources Compensation

Ben Rosenfield, Controller

Steve Kawa, Mayor's Chief of Staff

Nani Colleretti, Mayor's Budget Director

Angela Calvillo, Clerk of the Board

Kay Gulbengay, Deputy Director

Rick Caldeira, Legislative Deputy Director

Reconvening of the Board

The following Supervisors were noted present:

Supervisors Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Supervisor Daly was noted absent at 4:35 p.m.

Supervisor Mirkarimi was noted absent 4:50 p.m.

The Board at the hour of 4:51 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose] Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Dufty, seconded by Supervisor Campos, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090374 **[National Start! Walking Day - April 8, 2009]** **Supervisors Chiu, Campos**

Resolution proclaiming April 8, 2009, as "National Start! Walking Day" in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 113-09

ADOPTED

090375 **[Supporting Assembly Bill 1000, paid sick day legislation]** **Supervisors Daly, Maxwell, Mar, Campos**

Resolution declaring support of Assembly Bill 1000 (Ma) that would provide California workers with earned paid sick days.

Supervisors Maxwell, Mar, and Campos requested to be added as co-sponsors.

Enacted Number: 108-09

ADOPTED

090376 **[Accept and Expend Grant - Juvenile Probation Department - $25,000]** **Supervisor Elsbernd**

Resolution authorizing the Juvenile Probation Department to accept and expend a grant in the amount of $25,000 from the Annie E. Casey Foundation for continuing support of the juvenile justice reform activities at the Juvenile Probation Department.

Enacted Number: 114-09

ADOPTED

090378 **[Supporting Senate Bill 675, the Clean Technology and Renewable Energy Job Training, Career Education and Dropout Prevention Act]** **Supervisors Mar, Maxwell, Campos**

Resolution supporting Senate Bill 675, the Clean Technology and Renewable Energy Job Training, Career Education and Dropout Prevention Act.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 107-09

ADOPTED

090379 **[Rescheduling the April 7, 2009 Board meeting to 10:00 am]** **Supervisor Chiu**

Motion rescheduling the April 7, 2009 regular meeting of the Board of Supervisors to begin at 10:00 am in the Board Chamber in City Hall on that day.

Enacted Number: M09-56

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from For Adoption Without Committee Reference Agenda

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

090350 **[Board of Supervisors to sit as a Committee of the Whole - April 28, 2009]** **Supervisors Maxwell, Chiu**

Motion that the Board convenes as a Committee of the Whole on March 31, 2009, to consider Board of Supervisors File Number 090316, a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

Amended by replacing "March 31, 2009 - Committee of the Whole" to "April 28, 2009 - Committee of the Whole."

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion that the Board convenes as a Committee of the Whole on April 28, 2009, to consider Board of Supervisors File Number 090316, a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

Continued to April 28, 2009.

CONTINUED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly requested that this matter be severed so that it might be considered separately.

090371 **[Rebuild of St. Luke's Hospital - Evaluation of temporary hospital structure]** **Supervisors Alioto-Pier, Maxwell**

Resolution urging the California Pacific Medical Center to evaluate the concept of building a temporary hospital while constructing the rebuild of St. Luke's Hospital.

Supervisor Daly requested that this matter be referred to committee.

REFERRED to the Land Use and Economic Development Committee.

090372 **[Rebuild of St. Luke's Hospital]** **Supervisors Alioto-Pier, Maxwell**

Resolution urging the Planning Department and the Historic Preservation Commission to evaluate the historic integrity of the 1912 building on the St. Luke's campus and to determine whether or not the 1912 building might be a historic resource under the California Environmental Quality Act.

Supervisor Daly requested that this matter be referred to committee.

REFERRED to the Land Use and Economic Development Committee.

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

090373 **[Supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act]** **Supervisors Avalos, Mirkarimi, Mar, Campos**

Resolution supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act; supporting creation of the Creative Industries and Community Economic Revitalization Fund; and urging passage of Assembly Bill 700 in the current legislative session.

Supervisors Mar and Campos requested to be added as a co-sponsors.

Continued to April 7, 2009

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090377 **[The Board of Supervisors endorsing and supporting the event "SF Youth Unity," a youth environmental summit and green block party]** **Supervisor Elsbernd**

Resolution urging the Board of Supervisors to endorse and support the event "SF Youth Unity", a youth environmental summit and green block party.

Amended on page 1, line 3, by replacing "urging" with "endorsing and supporting"; and further amended on page 2, line 1, by replacing "urges" with "endorsing and supporting." New Title.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution endorsing and supporting the event "SF Youth Unity," a youth environmental summit and green block party

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090402 **[Zoning - New Controls for Massage Establishments]** **Mayor, Supervisors Chu, Chiu**

Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

3/31/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/30/2009.

090403 **[Penalties for violation of Massage Practitioner Licensing and Regulation Ordinance]** **Mayor, Supervisor Chu**

Ordinance amending Health Code Sections 1918 and 1928 to change the hours of permitted operation for massage establishments and to revise the penalties for violating Health Code Sections 1900 et seq., adding Health Code Section 1928.1 to provide for payment of the costs of administrative and other proceedings, and adding Health Code Section 1928.2 to provide for criminal penalties

3/31/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/30/2009.

090404 **[Certificates of Participation for Street Improvements - $42,000,000]** **Mayor**

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed $42,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements, approving the form of a First Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a First Supplement to Project Lease between the City and the Trustee relating to the real property and improvements located at 375 Laguna Honda Boulevard; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; approving the form of an official statement in preliminary and final form, approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

090405 **[Accept and Expend - Emergency Shelter Grants Program - $979,908]** **Mayor**

Resolution approving the 2009/10 Emergency Shelter Grant (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2009/10 Emergency Shelter Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $944,908 and to expend Reprogrammed Funds in the amount of $35,000.

(Fiscal Impact.)

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090406 **[Accept and Expend - HOME Program - $7,740,804]** **Mayor**

Resolution approving the 2009/10 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2009/10 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $7,740,804.

(Fiscal Impact.)

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090407 **[Accept and Expend - Community Development Block Grant (CDBG) - $21,801,829]** **Mayor**

Resolution approving the 2009/10 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2009/10 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of$19,821,829 and to expend Program Income and Reprogrammed Funds in the amount of $1,980,000.

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090408 **[Supporting the Clean Air for Children, Seniors, and Working Families Act]** **Supervisors Alioto-Pier, Mar, Campos**

Resolution urging the City and County of San Francisco to support Assembly Bill 622, the Clean Air for Children, Seniors, and Working Families Act.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090409 **[Child Care Provider Recognition Day - April 26, 2009]** **Supervisors Avalos, Mar, Campos**

Resolution declaring April 26, 2009, to be San Francisco Child Care Provider Recognition Day.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090410 **[Employee Free Choice Act]** **Supervisors Avalos, Campos**

Resolution affirming support for House Resolution 1409, the Employee Free Choice Act, and urging the United States Congress to pass the Employee Free Choice Act and protect and preserve, for America's workers, the freedom to choose for themselves whether and how to form a union to bargain for a better life.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090411 **[Mary Risley and Tante Marie Day - April 26, 2009]** **Supervisors Chiu, Campos**

Resolution proclaiming April 26, 2009, as "Mary Risley and Tante Marie Day" in San Francisco.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090412 **[Repeal Defense of Marriage Act]** **Supervisors Chiu, Dufty, Campos, Mirkarimi**

Resolution urging our California Congressional delegation to lead the fight to repeal the Federal "Defense of Marriage Act."

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090413 **[Donate Life Month - April]** **Supervisors Chu, Campos**

Resolution supporting April as Donate Life Month and urging all San Franciscans to participate in the Donate Life California Donor Drive.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090414 **[Commending Zrich Mayor-Elect Corine Mauch]** **Supervisors Dufty, Campos**

Resolution honoring Corine Mauch on her historic election as the first woman and openly gay Mayor of the City of Zrich, Switzerland.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090324 **[Accept and Expend Grant - U.S. Transportation Security Administration - $15,800,000]** **Supervisors Elsbernd, Chu**

Resolution authorizing the Airport to retroactively negotiate and execute an Other Transaction Agreement from the Transportation Security Administration for the Terminal 2 In-Line Explosives Detection System Matrix, in the amount not to exceed $15,800,000, and accept and expend Federal funds.

(Fiscal Impact.)

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

3/31/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute resolution bearing new title.

3/31/09, ASSIGNED to Budget and Finance Committee.

Requests for Hearings

090399 **[School Crossing Guard Program]** **Supervisor Avalos**

Hearing on the school crossing guard program, the process to request and assign crossing guards, a breakdown of the distribution of crossing guards citywide, and the effect of pending budget cuts and layoffs on the program.

3/31/09, RECEIVED AND ASSIGNED to City and School District Select Committee.

090400 **[County Welfare Directors Association (CWDA) and California State Association of Counties (CSAC) Joint Report]** **Supervisor Avalos**

Hearing on CWDA and CSAC Joint Report: "Human Services in a Time of Economic Crisis - An Examination of California's Safety-Net Programs and Related Economic Benefits for Communities."

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090401 **[Community Development Block Grant (CDBG) funding changes]** **Supervisor Mar**

Hearing to discuss the changes in Community Development Block Grant (CDBG) funding and the effect on community based organizations that provide services and technical assistance to small businesses and entrepreneurs.

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motion

090416 **[Closed Session - Existing Litigation - Fonseca v. Fong et al.]** **Supervisors Alioto-Pier, Elsbernd**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation entitled Charles Fonseca v. Heather Fong, Louise Renne, Theresa Sparks, David Campos, Joe Alioto Veronese, Petra DeJesus, Yvonne Lee, and Dr. Joe Marshall, respondents, and San Francisco Police Department, real party in interest, San Francisco Superior Court No. CPF 07-507227; California Court of Appeal No. A120206, filed May 4, 2007.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuit

3/31/09, ASSIGNED to Rules Committee.

PROPOSED ORDINANCE

090354 **[Settlement of Lawsuit - State of California, Department of Alcohol and Drug Programs - $604,354]**

Ordinance authorizing settlement of the administrative action filed by the State of California, Department of Alcohol and Drug Programs against the City and County of San Francisco for $604,354; the administrative action was initiated on March 20, 2008, in the California Office of Administrative Hearings, Case Nos. SACPA 02/03-38 and 03/04-38, OAH No. 2008070346 entitled In the Matter of the Audit of the City and County of San Francisco, Substance Abuse and Crime Prevention Act. (City Attorney)

3/17/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090355 **[Airport Commission's Declaration of Emergency contract pursuant to Section 6.60 of the San Francisco Administrative Code]**

Resolution concurring with the Airport Commission's Declaration of Emergency in response to the boiler failures at the Airport and approving a contract between the Airport Commission and Ghiloti Brothers for the purchase of two new boilers. (Airport Commission)

(Fiscal Impact.)

3/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090356 **[Agreement to Sell the Dolores Hotel Located at 35-37 Woodward Street]**

Resolution approving and authorizing the execution and performance of an Agreement For Sale of Real Estate relating to the property commonly known as the Dolores Hotel and located at 35-37 Woodward Street; adopting findings that the sale is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1, and authorizing the Director of Property and the Director of the Mayor's Office of Housing to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

(Fiscal Impact.)

3/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Chiu
To: Controller

Requesting/Inquiring: Requesting the Controller to conduct a cost benefit analysis of options the City is considering regarding the Data Center project.

From: Supervisor Dufty
To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft an ordinance, similar to Administrative Code Sections 3.20 and 3.21, that would require that the city and, through the leadership of the Department of Technology, annually develop and adopt a 10-year Technology Investment Plan (TIP) for all.

This Plan would reflect all major technology investments by City Departments, such as the Justice Information Tracking System (JUSTIS), public safety information system, and the need for a new SFMTA Central Control Facility (CCF), as examples.

A Technology Planning Committee (TPC) should include the City Administrator, Director and Deputy Director of the Technology Department, the Controller, President of the Board of Supervisors, Mayor's Finance Director, among others. Each member of the TPC may designate a representative to serve as a voting member of the committee.

The Technology Investment Plan should incorporate all major planned investments to maintain, repair, and improve the condition of the City's Technology assets and infrastructure.

From: Supervisor Alioto-Pier
To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to prepare a Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing *litigation entitled Charles Fonseca v. Heather Fong, et al., San Francisco Superior Court No. CPF 07-507227; California Court of Appeal No. A120206, filed 5/4/07 during the Board Meeting on 4/7/09.*

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Metal Pole

In front 850 Oak

Southeast corner Central & Haight

Northeast corner Frederick & Lincoln

Northeast corner Baker & Haight

Bus Shelters

Southwest corner Scott & Hayes

All four bus shelters on Haight & Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Utility Boxes

Northwest corner Divisadero & Oak

Southwest corner 7th Avenue & Lincoln

Garbage Cans

Northeast corner of 7th Avenue & Hugo

Mailboxes

Northeast corner Fillmore & Haight

Northeast corner of Hugo & 7th Avenue

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

130 Hugo

600 Irving

999 Oak

644 Cole

901 Haight

1301 Haight

1401 Haight

1584 Haight

448 Haight

706 Buchanan

799 Haight

1213 Fell

514 Haight

525 Haight

546 Haight

535 Haight

593 Haight

609 Haight

681 Haight

In Memoriams

In Memoriams

Joseph Carl Dickens - Supervisor Dufty

Louise Weissman - Supervisor Dufty

John "Jack" Milano - Supervisor Dufty

Helen Logan Tuft - Supervisor Dufty

Idalia Cristina Hernandez-Rice - Supervisor Dufty

Eric Jermaine Culp - Supervisor Mar

Jonathan Palewicz - Supervisor Mar

Damija Walls - Supervisor Maxwell

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:58 p.m.

Angelo Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on April 28, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee. Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber. Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetingsFor information, call (415) 554-5184. Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

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April 7, 2009

City and County of San Francisco

City Hall
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MEETING MINUTES

Tuesday, April 7, 2009
10:00 AM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michelo Alioto-Pier, John Avolos, David Campos, Dovid Chiu, Cormen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mor, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:07 a.m. On the call of the roll Supervisors Maxwell and Mor were noted absent.

Supervisor Maxwell was noted present at 10:09 a.m.

Supervisor Mar was noted present at 10:15 a.m.

There was a quorum present.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

090178 **[Zoning Map Amendments in connection with the Balboa Park Station Area Plan]** **Supervisors Avalos, Elsbernd**

Ordinance amending Sheets ZN11, ZN12, HT11, HT12 and SU12 of the City and County of San Francisco Zoning Map to revise use districts and height and bulk districts within the Balboa Park Station Area Plan and to delete the Ocean Avenue Fast Food Restricted Use Subdistrict in its entirety; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

Enacted Number: 59-09

FINALLY PASSED

090180 **[Approving General Plan Amendments in connection with the Balboa Park Station Area Plan]** **Supervisors Avalos, Elsbernd**

Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

(Economic Impact)

Enacted Number: 60-09

FINALLY PASSED

090181 **[Planning Code Amendments in connection with the Balboa Park Station Area Plan]** **Supervisors Avalos, Elsbernd**

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Balboa Park Station Area Plan, running the length of Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue, and including the City College of San Francisco Phelan campus and San Francisco Public Utilities Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station Area Plan impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

(Economic Impact)

Enacted Number: 61-09

FINALLY PASSED

090179 **[Balboa Park Station Area Plan - monitoring program]** **Supervisors Avalos, Elsbernd**

Ordinance amending the Administrative Code Chapter 10E to establish the Balboa Park Station Area Plan Monitoring Program for purposes of reviewing the effectiveness of the Balboa Park Station Area Plan and implementation of specified improvements; and adopting environmental findings.

(Economic Impact)

Enacted Number: 58-09

FINALLY PASSED

Recommendations of the Rules Committee

090212 **[Settlement of Lawsuit - State of California v. Foley, City and County of San Francisco, et al.]**

Ordinance authorizing settlement of the lawsuit filed by State of California, acting through the Department of Transportation ("Caltrans") against the City and County of San Francisco in exchange for the provision of an easement modification agreement relocating certain access rights and otherwise preserving the pre-existing easement rights of the City and County of San Francisco and making environmental findings; the lawsuit was filed on June 29, 2006 in Alameda County Superior Court, Case No. RG06277087, entitled State of California v. Foley, City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Judgment in Condemnation and [Proposed] Judgment (and exhibits thereto), contained in Board of Supervisors File No. 090212. (City Attorney)

Enacted Number: 56-09

FINALLY PASSED

090261 **[Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.]**

Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November 26, 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No.CGC 07-469460; settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon, and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office. (City Attorney)

Enacted Number: 57-09

FINALLY PASSED

PASS THE CONSENT AGENDA by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to rescind the previous vote.

Motion to rescind the previous vote passed by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi.

PASS THE CONSENT AGENDA by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

090280 **[Accept and Expend State Grant Funds - S.F. Recreation and Park Department - $157,000]** **Supervisor Dufty**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant administered by the California Department of Parks and Recreation in the amount of $157,000 for the Glen Canyon Islais Creek Restoration Project.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendation of the Budget and Finance Committee

090296 **[Ten Year Capital Expenditure Plan - FY 2010-2019]** **Mayor, Supervisor Chiu**

Resolution adopting the City's ten year capital expenditure plan for fiscal years 2010-2019.

Enacted Number: 129-09

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Daly, Elsbernd

Recommendations of the Budget and Finance Subcommittee

090332 **[Public Employment - San Francisco Employees' Retirement System]** **Mayor, Supervisor Elsbernd**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one position: 0965 Department Head V (FTE 0.19) and the deletion of one position: 0964 Department Head IV (FTE 0.19) at the San Francisco Employees Retirement System.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090336 **[Appropriating $4,211,947 of Revenue and General Fund Reserve for the November 2008 and May 2009 elections in the Department of Elections for Fiscal Year 2008-2009]** **Mayor**

Ordinance appropriating $3,181,333 of State mandated cost reimbursement revenue, $79,597 of county candidate filing fee revenue, and $951,017 of General Fund Reserve, for a total appropriation of $4,211,947, for costs associated with the November 2008 General Election and May 2009 Special Election in the Department of Elections for Fiscal Year 2008-2009.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090330 **[Issuance and Sale of Revenue Bonds - Westmont College - $122,500,000]** **Supervisor Mirkarimi**

Resolution approving the issuance and sale of revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed $122,500,000 to finance educational facilities owned and operated by the Westmont College.

Enacted Number: 127-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Government Audit and Oversight Committee

081093 **[Board of Supervisors response to the 2007-2008 Civil Grand Jury Report entitled "San Francisco Kindergarten Admissions: Back to the Drawing Board"]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "San Francisco Kindergarten Admissions: Back to the Drawing Board."

Enacted Number: 119-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081249 **[Inclusionary In Lieu Fees For Small Site Acquisition and Rehabilitation]** **Supervisor Daly**

Ordinance amending Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of $15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units, and making findings including findings under CEQA.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090203 **[Zoning Map Amendment - 401 - 421 Shields Street]**

Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047, 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recess

The Board recessed at the hour of 10:51 a.m.

Reconvening of the Board

The Board reconvened at the hour of 4:03 p.m.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi.

Supervisors Alioto-Pier, Avalos, Daly, Mar were noted absent.

There was a quorum present.

SPECIAL ORDER 4:00 P.M.

090109 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

The President inquired as to whether any member of the public wished to address the Board members. There were none.

The President declared the public hearing closed.

Continued to May 12, 2009.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

(Only one of the following two motions should be approved.)

090110 **[Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to May 12, 2009.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

090111 **[Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to May 12, 2009.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

090112 **[Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

Continued to May 12, 2009.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

SPECIAL ORDER 4:00 P.M.

090264 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 429 Amador Street (Pier 92)]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated September 8, 2008, that a project at 429 Amador Street (Pier 92) (Case No. 2008.1052E) is exempt from environmental review under Categorical Exemption, Class 1 [State CEQA Guidelines Section 15301(e)(2)]. The proposal would add a biodiesel operation to Darling International's existing facility that renders vegetable oils, fats and greases. The project site (Assessor's Block 4502A, Lot 002) is within the M-2 (Heavy Industrial) Zoning District and is within a 40-X Height and Bulk District. (Appelant: Deborah Behles, Kenneth Blackwood, and Cheryl Tang on behalf of Bayview Hunters Point Community Advocates.)

(Filed February 25, 2009; Companion to Files 090265, 090266, 090267; District 10.)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

(Only one of the following two motions should be approved.)

090265 **[Affirming the Categorical Exemption issued for the 429 Amador Street (Pier 92) project]**

Motion affirming the determination by the Planning Department that the 429 Amador Street (Pier 92) project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

090266 **[Disapproving the Categorical Exemption issued for the 429 Amador Street (Pier 92) project]**

Motion disapproving the determination by the Planning Department that the 429 Amador Street (Pier 92) project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

090267 **[Preparation of findings related to the 429 Amador Street (Pier 92) project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 429 Amador Street (Pier 92) is exempt from environmental review under the California Environmental Quality Act.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library

Walter; shared in song concern with general issues

Mark Brumberg; expressed concern with issues relating to FDA budget adjustments

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090408 **[Supporting the Clean Air for Children, Seniors, and Working Families Act]** **Supervisors Alioto-Pier, Mar, Campos**

Resolution urging the City and County of San Francisco to support Assembly Bill 622, the Clean Air for Children, Seniors, and Working Families Act.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 121-09

ADOPTED

090409 **[Child Care Provider Recognition Day - April 26, 2009]** **Supervisors Avalos, Mar, Campos**

Resolution declaring April 26, 2009, to be San Francisco Child Care Provider Recognition Day.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 122-09

ADOPTED

090410 **[Employee Free Choice Act]** **Supervisors Avalos, Campos**

Resolution affirming support for House Resolution 1409, the Employee Free Choice Act, and urging the United States Congress to pass the Employee Free Choice Act and protect and preserve, for America's workers, the freedom to choose for themselves whether and how to form a union to bargain for a better life.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 120-09

ADOPTED

090411 **[Mary Risley and Tante Marie Day - April 26, 2009]** **Supervisors Chiu, Campos**

Resolution proclaiming April 26, 2009, as "Mary Risley and Tante Marie Day" in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 130-09

ADOPTED

090412 **[Repeal Defense of Marriage Act]** **Supervisors Chiu, Dufty, Campos, Mirkarimi**

Resolution urging our California Congressional delegation to lead the fight to repeal the Federal "Defense of Marriage Act."

Enacted Number: 126-09

ADOPTED

090413 **[Donate Life Month - April]** **Supervisors Chu, Campos**

Resolution supporting April as Donate Life Month and urging all San Franciscans to participate in the Donate Life California Donor Drive.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 124-09

ADOPTED

090414 **[Commending Zrich Mayor-Elect Corine Mauch]** **Supervisors Dufty, Campos**

Resolution honoring Corine Mauch on her historic election as the first woman and openly gay Mayor of the City of Zrich, Switzerland.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 123-09

ADOPTED

090357 **[Final Map - 4800 3rd Street]**

Motion approving Final Map 5140, an 18 Residential Unit and 2 Commercial Unit Mixed-Use Condominium Project, located at 4800 3rd Street being a subdivision of Lot 045 in Assessors Block No. 5322 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,089; District 10.)

Enacted Number: M09-63

APPROVED

090358 **[Final Map - 4441 and 4445 Mission Street]**

Motion approving Final Map 5324, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 4441 and 4445 Mission Street being a subdivision of Lots 023A and 024 in Assessors Block No. 6013 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,097; District 11.)

Enacted Number: M09-64

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chu requested this matter be severed so that it may be considered separately.

090373 **[Supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act]** **Supervisors Avalos, Mirkarimi, Mar, Campos**

Resolution supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act; supporting creation of the Creative Industries and Community Economic Revitalization Fund; and urging passage of Assembly Bill 700 in the current legislative session

Enacted Number: 118-09

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding] Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090415 **[Redmond Kernan Day]** **Supervisors Alioto-Pier, Dufty**

Resolution declaring April 7, 2009, as "Redmond Kernan Day" in the City and County of San Francisco.

Supervisor Dufty requested to be added as a co-sponsor.

Enacted Number: 128-09

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090418 **[Waiver of fee for temporary farmers' market in Noe Valley from April 14, 2009, through September 29, 2009]** **Supervisor Dufty**

Ordinance waiving the fees in San Francisco Business and Tax Regulations Code Sections 35 and 248 and in San Francisco Administrative Code Section 1.10-1 for a farmers' market to be held at 3950 24th Street from April 14, 2009, through September 29, 2009.

4/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090419 **[Increasing prize limit for charitable bingo games]** **Supervisors Dufty, Avalos, Campos, Elsbernd**

Ordinance amending Section 3201 of the San Francisco Police Code to increase the maximum allowable prize for any charitable bingo game from $250 to $500, and to make nonsubstantive changes clarifying the applicability of requirements regarding the use of bingo proceeds.

4/7/09, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 5/7/2009.

090420 **[India Basin Industrial Park, Special Use District Amendment]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by amending Section 249.42 to exempt the India Basin Industrial Park Special Use District from minimum off-street parking requirements; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

4/7/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/7/2009.

090421 **[Administrative Code Revision to Allow Renewal of Contracts for Local Rent Supplement Program]** **Mayor**

Ordinance amending the Administrative Code by amending Chapter 24A "Administrative Structure Local Rent Supplement Program in the Office of the Mayor" by amending Section 24A.08 related to the definition of Qualified Tenant to delete an out-dated tenant eligibility requirement; and amending Section 24A.10 related to the Term of Contract to extend the term of Rent Supplement Contracts for 10 years beginning April 1, 2009.

4/7/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/7/2009

090381 **[Zoning Map Amendment - 2550 Mission Street]** **Supervisor Campos**

Ordinance amending the San Francisco Zoning Map by amending the height district designation for property located at 2550 Mission Street, Assessor's Block 3616, Lot 007, between 21st and 22nd Streets to 65-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

3/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2009.

3/24/09, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Amended to include language relating to the height for property located at Block 3616, Lot 07 to correct the clerical error to reduce the height from "85 ft" to "65 ft."

3/24/09, REFERRED to Land Use and Economic Development Committee. The Clerk of the Board was directed to refer this matter to the Planning Department for review and comment.

3/26/09, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation; referred to Planning Department for environmental review.

3/26/09, CLERICAL CORRECTION. Clerical correction at page 1, line 4 after "for" insert "for property located at 2550 Mission Street," ; line 5, after "007" add "," and delete "on Mission Street".

4/7/09, SUBSTITUTED. Supervisor Campos submitted a substitute ordinance bearing same title.

4/7/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2009.

090329 **[Recreation and Park Department - Sharp Park]** **Supervisor Mirkarimi**

Ordinance amending San Francisco Park Code Article 3 by adding Section 3.20, to require the Recreation and Park Department to develop a plan, schedule and budget for restoring Sharp Park habitat for the California red-legged frog and the San Francisco garter snake in conformance with the requirements of the Endangered Species Act, and transferring Sharp Park to, or developing a joint management agreement with, the Golden Gate National Recreation Area and making environmental findings.

(Fiscal Impact.)

3/17/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

3/24/09, TRANSFERRED to Government Audit and Oversight Committee.

3/24/09, REFERRED TO DEPARTMENT. Referred to Planning Department for Environmental Review. 03/24/09 - Response received from Planning Department.

3/24/09, REFERRED TO DEPARTMENT. Referred to the Recreation and Park Department for review and response.

4/7/09, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

4/7/09, ASSIGNED to Government Audit and Oversight Committee.

081404 **[Mandatory Recycling and Composting]** **Mayor**

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1812, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing the current Section 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of $167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

11/4/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/4/2008.

11/21/08, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review and Departments of Public Works and Environment for informational purposes.

12/11/08, RESPONSE RECEIVED. Non-phyical impact per CEQA Guidelines Section 15060.

4/7/09, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

4/7/09, ASSIGNED to Land Use and Economic Development Committee.

Resolutions

090415 **[Redmond Kernan Day]** **Supervisors Alioto-Pier, Dufty**

Resolution declaring April 7, 2009, as "Redmond Kernan Day" in the City and County of San Francisco.

4/7/09, ADOPTED. Supervisor Dufty requested to be added as a co-sponsor.

090424 **[Approving the 2009 San Francisco Juvenile Justice Local Action Plan Update]** **Supervisor Avalos**

Resolution approving the 2009 San Francisco Juvenile Justice Local Action Plan which identifies the citywide programs and approaches that have been demonstrated to be effective in reducing violence, crime and delinquency amongst young adults ages 11 - 25 and includes recommendations for how funding for local violence prevention and intervention strategies will be allocated for the term of July 1, 2009 - June 30, 2010.

4/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. (Referred to the Youth Commission for comment and recommendation.)

090425 **[Condolences to the people of Italy and those affected by the L'Aquila earthquake]** **Supervisors Alioto-Pier, Campos**

Resolution extending condolences and greatest sympathy to the people of Italy and those affected by the L'Aquila earthquake.

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090426 **[Commending Dwayne Kinner]** **Supervisors Avalos, Campos**

Resolution commending and thanking Dwayne Kinner on the occasion of the 20th Anniversary of the Workers' Children's Fund Softball Tournament and for his hard work towards and dedication to enriching the lives of San Francisco's foster children.

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090427 **[Solidarity with the workers of Hyatt Fisherman's Wharf and HEI Le Meridien Hotel]** **Supervisors Chiu, Avalos, Mirkarimi, Mar, Campos**

Resolution urging Hyatt Fisherman's Wharf and HEI Le Meridien Hotel to allow its workers to choose, free from delay and intimidation, whether to have a union through a card-check neutrality agreement.

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090428 **[Condemning the persecution and murders of Lesbian Gay Bisexual Transgender (LGBT) Iraqi Citizens]** **Supervisors Dufty, Campos, Avalos, Mirkarimi**

Resolution calling on the U.S. Department of State to use all diplomatic channels to work with the Iraqi Government to stop the persecution of Iraqi Lesbian Gay Bisexual Transgender (LGBT) citizens and immediately stop the murders of Iraqi LGBT citizens.

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090429 **[Urging Federal authorities to approve the citizenship of Shirley Tan and pass the Uniting American Families Act]** **Supervisors Dufty, Campos, Chiu, Mar**

Resolution urging Federal authorities to remove obstacles to United Citizenship for Shirley Tan, and urging the passage of the Uniting American Families Act (UAFA, H.R. 1024, S. 424).

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090442 **[Armenian Genocide Commemoration Day]** **Supervisors Elsbernd, Campos, Dufty, Mirkarimi, Alioto-Pier, Daly, Avalos, Chu, Chiu, Mar, Maxwell**

Resolution declaring April 24, 2009, as Armenian Genocide Commemoration Day in San Francisco.

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090443 **[Motion establishing Budget Analyst's 2009-2010 schedule of audits]** **Supervisor Mirkarimi**

Motion repealing Motion No. 09-55 and adopting a new schedule of audits to be conducted of programs of City and County departments.

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090444 **[Supporting Assembly Bill 324, the Elder Economic Dignity Act of 2009]** **Supervisors Mirkarimi, Mar, Campos**

Resolution supporting the California State Assembly Bill 324, the Elder Economic Dignity Act of 2009.

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090448 **[Supporting Assembly Bill 560, Net Metering]** **Supervisors Mirkarimi, Campos**

Resolution supporting Assembly Bill 560 that would raise the cap on net metering, and possibly eliminate the cap entirely.

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

090417 **[Water System Improvement Program (WSIP) Update]** **Supervisors Chu, Avalos**

Hearing request for a regular quarterly update from the Public Utilities Commission on the Water System Improvement Program (WSIP). Hearings should include information on projects completed to date, the corresponding costs for completed projects, and schedule and corresponding costs for upcoming projects.

4/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090422 **[Community Development Block Grants (CDBG) Allocation]** **Supervisor Avalos**

Hearing on the Mayor's Preliminary Recommendations on the allocation of the Community Development Block Grants (CDBG).

4/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090423 **[Peak Oil Task Force Report]** **Supervisor Mirkarimi**

Hearing before Government Audit and Oversight Committee to receive and consider the report and recommendations of the Peak Oil Task Force.

4/7/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090446 **[Hearing - Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]**

Hearing of persons interested in or objecting to proposed ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law;authorizing official acts in furtherance of this ordinance (Clerk of the Board)

4/7/09, SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole on April 14, 2009 at 3:00 pm.

Motions

090445 **[Office of the Legislative Analyst Request - Owner Move In Evictions]** **Supervisors Mar, Campos**

Motion requesting the Legislative Analyst to research and obtain information on families with children who are evicted each year through the Owner Move In (OMI) eviction process; to work with all family service providers, eviction defense groups, landlord or apartment associations, and tenant groups to obtain data, hard numbers or anecdotal, that lend information to how many families face OMI evictions each year. We would also like to know how many families are threatened by OMI eviction and take relocation monies without reporting these evictions to the San Francisco Rent Board.

4/7/09, ASSIGNED to Board of Supervisors. Scheduled for Board consideration April 14, 2009.

090433 **[Appointment, Golden Gate Bridge, Highway and Transportation District]**

Motion to consider appointing one member, seat 2, public at large, for term ending January 31, 2011, to the Golden Gate Bridge, Highway and Transportation District.

2 Applicants - Larry Mazzola, Jr.; David H. Snyder

2/3/09, RECEIVED AND ASSIGNED to Rules Committee.

4/7/09, CALLED FROM COMMITTEE. Pursuant to Rule 5.31.1, Supervisors Elsbernd, Alioto-Pier, Dufty, and Chu called this measure from Rules Committee.

Requests Granted

From: Supervisor Chiu

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney's Office to work with the Controller to draft a Charter Amendment incorporating the following recommendations of the Budget Improvement Project:

1. Establish a two-year budget process and mid-cycle correction process.

2. Establish a five-year financial plan to inform a two-year budget.

3. Establish formal financial policies and an approach to meeting them over upcoming budget cycles.

In Memoriams

Sandra Cantu - Entire Board

Len Harrison - Supervisor Mirkarimi

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:06 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on May 5, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
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AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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April 14, 2009

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES

Tuesday, April 14, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting
Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of March 17, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Budget and Finance Subcommittee

090332 **[Public Employment - San Francisco Employees' Retirement System]** **Mayor, Supervisor Elsbernd**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one position: 0965 Department Head V (FTE 0.19) and the deletion of one position: 0964 Department Head IV (FTE 0.19) at the San Francisco Employees Retirement System.

Enacted Number: 65-09

FINALLY PASSED

090336 **[Appropriating $4,211,947 of Revenue and General Fund Reserve for the November 2008 and May 2009 elections in the Department of Elections for Fiscal Year 2008-2009]** **Mayor**

Ordinance appropriating $3,181,333 of State mandated cost reimbursement revenue, $79,597 of county candidate filing fee revenue, and $951,017 of General Fund Reserve, for a total appropriation of $4,211,947, for costs associated with the November 2008 General Election and May 2009 Special Election in the Department of Elections for Fiscal Year 2008-2009.

(Fiscal Impact.)

Enacted Number: 66-09

FINALLY PASSED

090324 **[Accept and Expend Grant - U.S. Transportation Security Administration - $15,800,000]** **Supervisors Elsbernd, Chu**

Resolution authorizing the Airport to retroactively negotiate and execute an Other Transaction Agreement from the Transportation Security Administration for the Terminal 2 In-Line Explosives Detection System Matrix, in the amount not to exceed $15,800,000, and accept and expend Federal funds.

(Fiscal Impact.)

Enacted Number: 116-09

ADOPTED

Recommendations of the Land Use and Economic Development Committee

081249 **[Inclusionary In Lieu Fees For Small Site Acquisition and Rehabilitation]** **Supervisor Daly**

Ordinance amending Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of $15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units, and making findings including findings under CEQA.

Enacted Number: 63-09

FINALLY PASSED

090203 **[Zoning Map Amendment - 401 - 421 Shields Street]**

Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047. 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

Enacted Number: 62-09

FINALLY PASSED

Recommendations of the Rules Committee

090300 **[Appointment, Bay Area Library and Information System Advisory Board - Anne Wintroub]**

Motion appointing Anne Wintroub, term ending June 30, 2010, to the Bay Area Library and Information System Advisory Board.

Anne Wintroub, succeeding Nora Dowley, term expired, seat 1, must represent public at large and underserved residents, for the unexpired portion of a two-year term ending June 30, 2010.

Enacted Number: M09-66

APPROVED

090390 **[Appointments, In-Home Supportive Services Public Authority - Mike Boyd, Gustavo Serina and Luis Calderon]**

Motion appointing Mike Boyd, term ending March 1, 2011, Gustavo Serina and Luis Calderon, terms ending on March 1, 2012, to the In-Home Supportive Services Public Authority.

Mike Boyd, seat 1, succeeding Ethel Richardson, term expired, must be a consumer over the age of 55 years, authorized to represent organizations that advocate for aging people with disabilities, for the unexpired portion of a three-year term ending March 1, 2011. Gustavo Serina, seat 7, succeeding Gustavo Serina, term expired, must be a member of the Commission on the Aging, recommended to the Board by the Commission, for the unexpired portion of a three-year term ending March 1, 2012. Luis Calderon, seat 11, succeeding Luis Calderon, term expired, must be a consumer between the ages of 18 and 60, authorized to represent orgranizations that advocate for younger people with disabilities, for the unexpired portion of a three-year term ending March 1, 2012.

Enacted Number: M09-67

APPROVED

090391 **[Appointments, Commission on Aging Advisory Council - Ken Prag and Sharon Eberhardt]**

Motion appointing Ken Prag, term ending March 31, 2010, and Sharon Eberhardt, term ending March 31, 2011, to the Commission on Aging and Advisory Council.

Ken Prag, seat 7, succeeding Luis Calderon, term expired, must be nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending March 31, 2010. Sharon Eberhardt, seat 9, succeeding Sharon Eberhardt, term expired, must be nominee of District 11 Supervisor, for a two-year term ending March 31, 2011.

Enacted Number: M09-68

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

090380 **[Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 (ARRA)]** **Mayor, Supervisors Elsbernd, Chiu, Chu**

Resolution authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend Federal grant funds

Enacted Number: 143-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

090024 **[Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax]** **Supervisors Alioto-Pier, Dufty**

Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to $600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition, and requiring good faith efforts to hire disadvantaged individuals as a condition of receipt of a rebate.

Supervisor Alioto-Pier moved to divide the question relating to the effective date of the "(2) Amount of Rebate. The City shall pay one dollar for each dollar the qualified low budget film production or qualified film production paid in qualified production cost not to exceed $1.8 million dollars by June 30, 2009. The rebate shall be paid from the fund into which the qualified production cost was originally deposited. In no event shall the amount of the any rebate paid after April 1, 2009 exceed $600,000.00 the total amount of taxes that the qualified film production or qualified low budget film production paid to the City. The rebate shall not be paid from funds dedicated under bond or other legal financing covenants.Rebates paid under this Ordinance (Ordinance No. 64-09) shall be paid only to those qualified film productions whose filming commenced on or after the effective date of this Ordinance." located from Page 3, Line 17, through Page 4, Line 2.

The question relating to the effective date of the "Amount of Rebate" was passed by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Mar, Maxwell, Mirkarimi

Noes: 5 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd

Enacted Number: 64-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

090130 **[Health Care Accountability Components]** **Supervisor Alioto-Pier**

Ordinance amending Health Code Section 12Q.3 on the calculation of the health care accountability fee for covered contracting parties and increasing the existing fee and amending Section 12Q.2.9 to increase the number of hours an employee must work to be considered a covered employee.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090260 **[2009 Annual Fundraising Drive]**

Resolution designating those agencies qualified to participate in the 2009 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

Enacted Number: 134-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090337 **[Library Fee Amnesty Program]** **Mayor, Supervisors Chiu, Mirkarimi**

Resolution authorizing the Library Commission to establish a fee amnesty program for overdue Library materials to take place during a two-week period in May 2009, pursuant to Section 8.21-3 of the San Francisco Administrative Code.

Enacted Number: 117-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090251 **[Approve SFPUC Sunol Valley Construction Management Contract]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-915R, Sunol Valley Regional Construction Management Services, with CH2MHill, for an amount not to exceed $16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118 (Public Utilities Commission)

(Fiscal Impact.)

Enacted Number: 142-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

090249 **[Urging the organizers of the Bay to Breakers to collaborate on a comprehensive plan that protects the neighborhoods while preserving the unique spirit of the race]** **Supervisors Mirkarimi, Mar, Avalos, Maxwell, Campos, Dufty, Chiu**

Resolution urging the sponsors of the Bay to Breakers race to work with city agencies, neighborhood groups, and race advocates to develop a comprehensive plan that protects the host neighborhoods while preserving the unique spirit of the race.

Amended on Page 3, Lines 8-9, after "Richmond" by adding "and Sunset."

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090199 **[Conflict of Interest Code Amendments]** **Supervisor Daly**

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-240, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

Supervisor Daly requested to be added as sponsor.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090236 **[Appointment, Historical Preservation Commission - Diane Matsuda]**

Motion approving the Mayor's nomination for appointment of Diane Matsuda to the Historical Preservation Commission, Seat No. 7, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090237. Transmittal date - February 24, 2009.)

Enacted Number: M09-69

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos Excused From Voting

Supervisor Dufty, seconded by Supervisor Campos, moved to excuse Supervisor Avalos from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

090396 **[Appointment, California State Association of Counties - Supervisor John Avalos]**

Motion appointing Supervisor John Avalos, term ending November 28, 2009, as an alternate member to the California State Association of Counties Board of Directors.

Seat 2, succeeding Supervisor Carmen Chu, term expired, must be a member of the Board of Supervisors, for the unexpired portion of a one-year term ending November 28, 2009.

Enacted Number: M09-70

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Supervisor Campos Excused From Voting

Supervisor Dufty, seconded by Supervisor Mar, moved to excuse Supervisor Campos from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

090397 **[Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor David Campos]**

Motion appointing Supervisor David Campos, term ending January 31, 2011, to the Golden Gate Bridge Highway and Transportation District.

Enacted Number: M09-71

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

CALLED FROM RULES COMMITTEE - PURSUANT TO RULE 5.31.1

090433 **[Appointment, Golden Gate Bridge, Highway and Transportation District]**

Motion to consider appointing one member, seat 2, public at large, for term ending January 31, 2011, to the Golden Gate Bridge, Highway and Transportation District.

2 Applicants - Larry Mazzola, Jr.; David H. Snyder

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Continued to April 28, 2009.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Daly, seconded by Supervisor Avalos, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Motion appointing David Snyder, seat 2, public at large, for term ending January 31, 2011, to the Golden Gate Bridge, Highway and Transportation District.

APPROVED AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Recommendations of the Land Use and Economic Development Committee

081560 **[India Basin Industrial Park Zoning Map Amendment]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081561 **[India Basin Industrial Park, Planning Code Text Amendment]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090252 **[Street Encroachment at 3711-19th Avenue and Crespi Drive]** **Supervisor Elsbernd**

Resolution granting revocable permission to Parkmerced Investors Properties LLC, to occupy portions of the public right-of-way to construct, realign, and maintain an existing paved curb island to improve pedestrian accessibility and vehicular traffic circulation and safety, resurface portions of Crespi Drive with new Bomanite stamped concrete paving and install three (3) decorative columns at the entry way to Crespi Drive public right-of-way, between 19th Avenue and Serrano Drive, to enhance the Property at 3711-19th Avenue (Assessor's Blocks 7315, 7316, 7320), conditioned upon the payment of an annual assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

Enacted Number: 133-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

090446 **[Hearing - Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]**

Hearing of persons interested in or objecting to proposed ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance. (Clerk of the Board)

The President inquired as to whether any members of the public wished to address the Board members.

Redevelopment Agency Executive Director Fred Blackwell; Planning Department Director John Rahaim; and Redevelopment Manager Tom Evans; reviewed with Board the recommendations.

Fran Martin; Chris Barnett; Jonathan Scharfman; Karen Gilbert; Male speaker; Mary Hashman; Nick Wolff; David Cincotta; Mindy Kinner; Sergio Morales; all spoke in favor of the project.

The President declared the public hearing closed.

FILED.

Committee of the Whole Adjourn and Report Without Recommendation

Recommendations of the Land Use and Economic Development Committee

090222 **[Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]** **Mayor, Supervisor Maxwell**

Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

(Economic Impact)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to April 21, 2009.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090224 **[Zoning Map Amendments In Connection With Visitacion Valley Redevelopment Plan]** **Supervisor Maxwell**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to April 21, 2009.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090223 **[Schlage Lock/Visitacion Valley Special Use District]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.

(Economic Impact)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to April 21, 2009.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090202 **[Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]** **Supervisor Maxwell**

Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to April 21, 2009.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Jesus "Chuy" Ballote for his contributions and being an active member of Kalpulli, HOMEY's social justice and youth organizing council.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Guadalupe Carreno for her contributions to youth as a teaching apprentice at Jamestown Community Center's after-school enrichment program.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the decrease in tourism due to the homeless situation in San Francisco

James Chaffee; expressed concern with issues relating to the SF Public Library

Peter Warfield; expressed concern with issues relating to the closure of the Park Library

Mark Trout; expressed concern with issues relating to the Roman church

Walter; shared in song certain issues with the Board

Male speaker; expressed concern with issues relating to Federal Building seismic upgrade and human rights

Mike Patrellis; expressed concern with issues relating to anti-gay activism

Charles Marsel; expressed concern with issues relating to property on Lombard Street

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

090445 **[Office of the Legislative Analyst Request - Owner Move In Evictions]** **Supervisors Mar, Campos**

Motion requesting the Legislative Analyst to research and obtain information on families with children who are evicted each year through the Owner Move In (OMI) eviction process; to work with all family service providers, eviction defense groups, landlord or apartment associations, and tenant groups to obtain data, hard numbers or anecdotal. that lend information to how many families face OMI evictions each year. We would also like to know how many families are threatened by OMI eviction and take relocation monies without reporting these evictions to the San Francisco Rent Board.

Supervisor Campos requested to be added as a co-sponsor.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090425 **[Condolences to the people of Italy and those affected by the L'Aquila earthquake]** **Supervisors Alioto-Pier, Campos**

Resolution extending condolences and greatest sympathy to the people of Italy and those affected by the L'Aquila earthquake.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 140-09

ADOPTED

090426 **[Commending Dwayne Kinner]** **Supervisors Avalos, Campos**

Resolution commending and thanking Dwayne Kinner on the occasion of the 20th Anniversary of the Workers' Children's Fund Softball Tournament and for his hard work towards and dedication to enriching the lives of San Francisco's foster children.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 139-09

ADOPTED

090427 **[Solidarity with the workers of Hyatt Fisherman's Wharf and HEI Le Meridien Hotel]** **Supervisors Chiu, Avalos, Mirkarimi, Mar, Campos**

Resolution urging Hyatt Fisherman's Wharf and HEI Le Meridien Hotel to allow its workers to choose, free from delay and intimidation, whether to have a union through a card-check neutrality agreement.

Supervisors Mirkarimi, Mar, and Campos requested to be added as co-sponsors.

Enacted Number: 132-09

ADOPTED

090429 **[Urging Federal authorities to approve the citizenship of Shirley Tan and pass the Uniting American Families Act]** **Supervisors Dufty, Campos, Chiu, Mar**

Resolution urging Federal authorities to remove obstacles to United Citizenship for Shirley Tan, and urging the passage of the Uniting American Families Act (UAFA, H.R. 1024, S. 424).

Supervisors Chiu and Mar requested to be added as co-sponsors.

Enacted Number: 137-09

ADOPTED

090442 **[Armenian Genocide Commemoration Day]** **Supervisors Elsbernd, Campos, Dufty, Mirkarimi, Alioto-Pier, Daly, Avalos, Chu, Chiu, Mar, Maxwell**

Resolution declaring April 24, 2009, as Armenian Genocide Commemoration Day in San Francisco.

Enacted Number: 138-09

ADOPTED

090443 **[Motion establishing Budget Analyst's 2009-2010 schedule of audits]** **Supervisor Mirkarimi**

Motion repealing Motion No. 09-55 and adopting a new schedule of audits to be conducted of programs of City and County departments

Enacted Number: M09-65

APPROVED

090444 **[Supporting Assembly Bill 324, the Elder Economic Dignity Act of 2009]** **Supervisors Mirkarimi, Mar, Campos**

Resolution supporting the California State Assembly Bill 324, the Elder Economic Dignity Act of 2009.

Supervisors Mar and Campos requested to be added as co-sponsors.

Enacted Number: 136-09

ADOPTED

090448 **[Supporting Assembly Bill 560, Net Metering]** **Supervisors Mirkarimi, Campos**

Resolution supporting Assembly Bill 560 that would raise the cap on net metering, and possibly eliminate the cap entirely.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 135-09

ADOPTED

090389 **[Final Map - 2200, 2208 Mission Street and 3417-18th Street]**

Motion approving Final Map 4197, a 23 Residential Unit and 2 Commercial Unit Mixed-Use Condominium Project, located at 2200, 2208 Mission Street and 3417-18th Street being a subdivision of Lot 001 in Assessors Block No. 3589 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,010; District 9.)

Enacted Number: M09-73

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Dufty requested that this matter be severed so that it might be considered separately

090428 **[Condemning the persecution and murders of Lesbian Gay Bisexual Transgender (LGBT) Iraqi Citizens]** **Supervisors Dufty, Campos, Avalos, Mirkarimi**

Resolution calling on the U.S. Department of State to use all diplomatic channels to work with the Iraqi Government to stop the persecution of Iraqi Lesbian Gay Bisexual Transgender (LGBT) citizens and immediately stop the murders of Iraqi LGBT citizens.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 141-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090461 **[Providing members of the public with access to language services]** **Supervisor Chiu**

Ordinance amending the San Francisco Administrative Code by adding new Sections 91.1, 91.8, 91.11, 91.14, 91.18, amending Sections 91.2, 91.3, 91.4, 91.6; amending Section 91.8 and renumbering Section 91.8 as 91.9; amending Section 91.9 and renumbering Section 91.9 as 91.10; amending Section 91.11 and renumbering Section 91.11 as 91.13; amending Section 91.12 and renumbering Section 91.12 as 91.15; amending Section 91.14 and renumbering Section 91.14 as 91.17; renumbering Sections 91.10 as 91.12 and 91.13 as 91.16 to rename the Equal Access Ordinance to Language Access Ordinance and add findings; to develop language services protocols in crisis situations, to amend the contents required in departmental Annual Compliance Plans; to create reporting requirements, to create and outline the Office of Civic Engagement and Immigrant Affairs' responsibilities; to clarify the Ordinance intent to promote the general welfare of the public, to require all City departments to comply with the minimal requirements set forth in this Ordinance; to expand the number of City departments that must comply with the Ordinance in its entirety; to require all City departments to inform Limited English Speaking Persons of their rights under the Ordinance; to require all City Boards, City Commissions, and City Departments to translate meeting minutes; and to amend the compliant procedures.

4/14/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/13/2009.

090199 **[Conflict of Interest Code Amendments]** **Supervisor Daly**

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-240, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

2/12/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/26/2009.

4/14/09, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

4/14/09, ASSIGNED to Rules Committee.

4/14/09, RE-REFERRED to Rules Committee. Supervisor Daly requested to be added as sponsor.

090418 **[Waiver of fee for temporary farmers' market in Noe Valley from April 14, 2009, through September 29, 2009]** **Supervisor Dufty**

Ordinance waiving the fees in San Francisco Business and Tax Regulations Code Sections 35 and 248, San Francisco Planning Code Section 355(d), and San Francisco Administrative Code Section 1.10-1 for a farmers' market to be held at 3950 24th Street from April 14, 2009 through September 29, 2009.

4/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

4/14/09, SUBSTITUTED. Supervisor Dufty submitted a substitute ordinance bearing new title.

4/14/09, ASSIGNED to Budget and Finance Committee.

090225 **[Residential Water Conservation Ordinance Amendments]** **Mayor, Supervisor Maxwell**

Ordinance amending Chapter 12A of the San Francisco Housing Code to achieve water conservation by improving the water efficiency of residential buildings by amending the standards for water closets, showerheads, and faucet aerators and requiring leak repair in all residential buildings, except for tourist hotels and motels, required upon the occurrence of specific events, amending Chapter 12A to allow an exemption to preserve historical integrity, amending Chapter 12 and 12 A to allow paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, amending Section 1211 to clarify that domestic partners are entitled to the same exemptions from the definition of transfers as spouses, amending the Section 1216 fee provision for Energy conservation compliance to include water conservation compliance, and providing that this ordinance shall be effective no earlier than July 1, 2009.

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009. 3/2/09 - Referred to the Building Inspection Commission and the Small Business Commission for review and comment.

3/24/09, RESPONSE RECEIVED. Building Inspection Commission recommended approval of ordinance with amendments.

4/14/09, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

4/14/09, ASSIGNED to Land Use and Economic Development Committee.

090226 **[Commercial Water Conservation Ordinance Amendments]** **Mayor, Supervisor Maxwell**

Ordinance amending Chapter 13A of the San Francisco Building Code to achieve water conservation by improving the water efficiency of commercial buildings by changing the standards for water closets, urinals, showerheads and faucet aerators and requiring leak repair, required upon the occurrence of major additions or improvements, and in all defined commercial buildings no later than January 1, 2017, authorizing an exemption to preserve historical integrity of the building, authorizing paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, providing that reasonable fees may be required to pay for the cost of implementing this Chapter, to be established by subsequent Board action, and providing that this ordinance shall be effective no earlier than July 1, 2009.

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009. 3/2/09 - Referred to the Building Inspection Commission and the Small Business Commission for review and comment.

3/24/09, RESPONSE RECEIVED. Building Inspection Commission recommended approval of ordinance with amendments.

4/14/09, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

4/14/09, ASSIGNED to Land Use and Economic Development Committee.

Resolutions

090462 **[AmeriCorps Week - May 9 - 16, 2009]** **Supervisor Alioto-Pier**

Resolution declaring May 9 - 16, 2009, AmeriCorps Week.

4/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090463 **[Supporting Aerial Spraying of Pesticide: Inert Ingredients Act (Senate Bill 759)]** **Supervisor Alioto-Pier**

Resolution urging the City and County of San Francisco to support Senate Bill 759, Aerial Spraying of Pesticide: Inert Ingredients Act.

4/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090464 **[Congratulating President-Elect Mauricio Funes of El Salvador and encouraging further collaboration and solidarity with San Francisco's Sister City in El Salvador, Santa Tecla]** **Supervisors Campos, Avalos, Daly, Mar, Mirkarimi**

Resolution congratulating President-Elect Mauricio Funes of El Salvador and encouraging further collaboration and solidarity with San Francisco's Sister City, Santa Tecla.

4/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090465 **[Denouncing immigration raids and supporting comprehensive immigration reform]** **Supervisors Campos, Mar, Chiu**

Resolution acknowledging immigrant contributions, denouncing Immigration and Customs Enforcement (ICE) raids, and supporting comprehensive immigration reform focused on family unity, worker justice, civil rights and a path to legalization.

4/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090466 **[Taxi Medallion Fees]** **Supervisor Chiu**

Resolution urging the San Francisco Municipal Transportation Agency to examine and consider taxi medallion fees.

4/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 4/17/09 - Referred to Small Business Commission.

090467 **[Urging the United States Postal Service to issue a commemorative stamp in honor of Supervisor Harvey Milk]** **Supervisors Dufty, Campos**

Resolution urging the United States Postal Service to issue a commemorative stamp in honor of Supervisor Harvey Milk.

4/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090468 **[Commending Captain Denis O'Leary for his leadership at the Ingleside Station]** **Supervisors Dufty, Campos, Elsbernd, Avalos, Mirkarimi**

Resolution commending Captain Denis O'Leary for his leadership at the Ingleside Station, and his accomplishments increasing public safety.

4/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090469 **[Green Building Ordinance - Finding of Cost Effectiveness and Energy Savings]** **Mayor**

Resolution adopting a finding by the Board of Supervisors, required by State law, that the City's Green Building Ordinance (Chapter 13C of the San Francisco Building Code) is cost effective and will save more energy than the 2008 California Building Efficiency Standards that will go into effect throughout the State of California on August 1, 2009, and directing the Department of Building Inspection or other appropriate City staff to cause the Green Building Ordinance, this resolution, and the supporting study to be transmitted to the California Energy Commission for its review and re-approval.

4/14/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090472 **[Commending Neil G. Giuliano for his success as the President and voice of Gay and Lesbian Alliance Against Defamation (GLAAD)]** **Supervisor Dufty**

Resolution commending Neil G. Giuliano for his dedication and service as the President of the Gay and Lesbian Alliance Against Defamation (GLAAD).

4/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

090456 **[Youth Commission's Recommended Budget Priorities] Supervisor Avalos**

Hearing on the Youth Commission's Recommended Budget Priorities.

4/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090457 **[Status of the implementation of the improvements to Duboce Park]** **Supervisor Dufty**

Hearing to receive an update from the Recreation and Park Department (RPD) on the status of the implementation of the improvements to Duboce Park including the playground, pathways, proposed youth play zone, basketball courts, and western grassy play area

4/14/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 4/17/09 - Referred to the Youth Commission for review and comment.

090458 **[San Francisco Botanical Gardens]** **Supervisor Mar**

Hearing to discuss the Recreation and Park Department's proposal to charge an entrance fee to the San Francisco Botanical Gardens

4/14/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090459 **[Eastern Neighborhoods Plans]** **Supervisor Maxwell**

Hearing on the implementation of the recently adopted Eastern Neighborhoods Plans.

4/14/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090460 **[Process and selection of San Francisco Police Department Ingleside District Station for community policing]** **Supervisors Mirkarimi, Campos, Dufty**

Hearing on the process and selection of San Francisco Police Department (SFPD) Ingleside District Station as the pilot station for community policing as outlined by the performance review.

4/14/09, RECEIVED AND ASSIGNED to Public Safety Committee.

Motions

090470 **[Appointment, Entertainment Commission - Nicky Calma]**

Motion approving the Mayor's nomination for appointment of Nicky Calma to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2009. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 4/14/09.)

4/14/09, RECEIVED AND ASSIGNED to Rules Committee.

090471 **[Appointment, Entertainment Commission - Nicky Calma]**

Motion rejecting the Mayor's nomination for appointment of Nicky Calma to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2009. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 4/14/09.)

4/14/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

090385 **[Settlement of Lawsuit - Robert Cruz and Darwin Dias - $92,000]**

Ordinance authorizing settlement of the lawsuit filed by Robert Cruz and Darwin Dias against the City and County of San Francisco for $92,000; the lawsuit was filed on January 14, 2008, in the United States District Court, Northern District of California, Case No. 08-0244; entitled Robert Cruz, et al. v. City and County of San Francisco, et al. (City Attorney)

3/31/09, RECEIVED AND ASSIGNED to Rules Committee.

090388 **[Zoning - Establishing the 1500 Page Street Residential Care Special Use District]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Planning Code by adding Sections 249.41 and 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD), encompassing the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004 to permit the expansion of a building used for residential care; and adopting General Plan, Planning Code and environmental findings (Planning Commission)

4/2/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/14/2009

090392 **[Zoning - Ordinance amending Planning Code Section 309.1]**

Ordinance amending Section 309.1 to the Planning Code to allow a design review exception for Downtown Residential districts permitting minor height measurement modifications that could otherwise be modified as a Planned Unit Development pursuant to Section 304. (Planning Department)

4/6/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/14/2009.

PROPOSED RESOLUTIONS

090383 **[In Home Supportive Services Contract with IHSS Consortium of San Francisco]**

Resolution approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2009, to June 30, 2013, in the amount of $74,996,175. (Human Services Department)

(Fiscal Impact.)

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090384 **[Settlement of Unlitigated Claim - Allstate Insurance Company - $30,000]**

Resolution approving the settlement of unlitigated claim of Allstate Insurance Company as subrogee for Rajitha Sangha against San Francisco for $30,000; claim was filed on October 22, 2008. (City Attorney)

3/31/09, RECEIVED AND ASSIGNED to Rules Committee.

090386 **[Approval of Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - $18,250,293.80]**

Resolution approving Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 30-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, delete special tools that are no longer needed, and purchase training modules, at an additional cost of $1,075,524 for a total contract amount not to exceed $18,250,293.80. (Municipal Transportation Agency)

(Fiscal Impact.)

3/2/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090387 **[Approval of Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - $32,223,133.25]**

Resolution approving Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 40-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, at an additional cost of $2,520,000 for a total contract amount not to exceed $32,223,133.25. (Municipal Transportation Agency)

(Fiscal Impact.)

4/2/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Dufty
To: The Honorable Jared Polis, Member of Congress, 501 Cannon H.O.B., Washington, D.C. 20515-0602
Requesting/Inquiring: Supervisor Bevan Dufty requests that we advise you of the Board's passage of Resolution No. 090428 condemning the persecution and murders of Lesbian, Gay, Bisexual, and Transgender (LGBT) Iraqi Citizens and that the Board commends your leadership and advocacy during your Congressional visit to Baghdad drawing attention the pervasive violence and killings of Gay Iraqi's and insistence that the United States and Government of Iraq take action to make these killings stop.

Cc: The Honorable Nancy Pelosi
Speaker, U.S. House of Representatives
450 Golden Gate Avenue, 14th Floor
Washington, D.C., 20515-0602

The Honorable Jackie Speier
Member of Congress
400 S. El Camino Real, Suite 410
San Mateo, CA 94402

From: Supervisor Mirkarimi
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft legislation that allows the San Francisco Department of Public Health to establish a pilot program for administering and directly distributing medical cannabis in accordance with Proposition 215 and SB 420.

From: Supervisor Mirkarimi
To: Director, Department of Public Work
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes
Southeast corner Post and Broderick
Southwest corner Bush and Divisadero
Southwest corner Broderick and Fulton
Northeast corner Laguna and Oak
Southwest corner Geary and Webster
Southwest corner Scott and Haight
Northwest corner Waller and Scott

Bus Shelters
Southwest corner Pierce & Haight
Southside of Street at Haight & Buena Vista West
Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes
Southeast corner Scott & Oak

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsracks at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
Southwest corner Webster and Haight
Southwest corner Oak & Fillmore
Northwest corner Sutter & Scott
Northwest Baker & Haight
Southeast corner Masonic & Haight
Northwest McAllister & Haight

Mailboxes
Northwest corner Cole and Page
Southwest Fillmore & Hermann

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

In front of 588 Haight Street, street and gutter repair, DPW fixed it recently but it still floods by the City gutter, and the pavement is uneven and cracking.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles
In front of 1260 Haight
In front of 937 Haight
Northwest corner Divisadero and Haight
Southeast corner Pierce and Haight
Southeast corner Potomac and Haight

Wood Pole
Southwest corner Page and Shrader
Southeast corner Frederick and Shrader

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:
1805 Divisadero
583 Haight
237 Steiner
494 Haight
55 Laguna (Haight & Buchanan)
478 Haight
546 Haight
44 Haight
1576 Page
400 Ashbury
1638 Stanyan
193 Haight
339 Fillmore
1399 Haight
1213 Fell

1401 Haight
1366 Haight
1220 Haight
1301 Haight
1431 Haight
1192 Haight
1444 Haight
963 Haight
1470 Haight
799 Haight
1599 Haight
807 Haight
501 Fillmore

In Memoriams

Redmond Kernan - Entire Board

Dr. Richard Johnson - Supervisor Daly

John Byrd - Supervisor Dufty

Annette Lillian Friedman Clark - Supervisor Dufty

David Brett Bullen - Supervisor Dufty

Michael P. Kenny - Supervisor Dufty

Lilian (Lily) Gaspari Ghielmetti - Supervisor Dufty

Tom Kennedy - Supervisor Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:12 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on May 12, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

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Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site www.sfgov.org/ethics

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April 21, 2009

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES

Tuesday, April 21, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avolos, Dovid Campos, Dovid Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Seon Elsbernd, Eric Mar, Sophie Maxwell.*
Members Excused:	*Ross Mirkorimi.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll Supervisor Mirkorimi was noted absent.

There was o quorum present.

Supervisor Mirkarimi Excused From Attendance

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to excuse Supervisor Mirkarimi from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of March 24, 2009. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

090331 **[Accept and Expend Private Grant - Back on Track Program - $111,998]** **Supervisor Mirkarimi**

Resolution authorizing the Office of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $111,998 through the San Francisco Foundation, for a program entitled "Back on Track Re-entry Program" for fiscal year 2008-2009 and 2009-2010.

Enacted Number: 151-09

ADOPTED

Recommendations of the Land Use and Economic Development Committee

081560 **[India Basin Industrial Park Zoning Map Amendment]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Enacted Number: 67-09

FINALLY PASSED

081561 **[India Basin Industrial Park, Planning Code Text Amendment]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Enacted Number: 68-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Subcommittee

090130 **[Health Care Accountability Components]** **Supervisor Alioto-Pier**

Ordinance amending Health Code Section 12Q.3 on the calculation of the health care accountability fee for covered contracting parties and increasing the existing fee and amending Section 12Q.2.9 to increase the number of hours an employee must work to be considered a covered employee.

Enacted Number: 69-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 1 - Daly
Excused: 1 - Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090202 **[Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]** **Supervisor Maxwell**

Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090224 **[Zoning Map Amendments In Connection With Visitacion Valley Redevelopment Plan]** **Supervisor Maxwell**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090223 **[Schlage Lock/Visitacion Valley Special Use District]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.

(Economic Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090222 **[Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]** **Mayor, Supervisor Maxwell**

Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

(Economic Impact)

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

090256 **[Agreement to Purchase an Access and Communication Easement in Tuolumne County]**

Resolution approving and authorizing an agreement for the purchase of a perpetual, nonexclusive easement for access and installation of communications equipment in Tuolumne County (the "Easement"), for a purchase price of $9,600, to facilitate and implement the project to upgrade the Hetch Hetchy Communications System; adopting environmental findings and findings under San Francisco Planning Code Section 101.1; and authorizing the Director of Property and/or the General Manager of the San Francisco Public Utilities Commission to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

Enacted Number: 150-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090355 **[Airport Commission's Declaration of Emergency contract pursuant to Section 6.60 of the San Francisco Administrative Code]**

Resolution concurring with the Airport Commission's Declaration of Emergency in response to the boiler failures at the Airport and approving a contract between the Airport Commission and Ghiloti Brothers for the purchase of two new boilers. (Airport Commission)

(Fiscal Impact.)

Enacted Number: 144-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

090322 **[Accept and Expend Grant Funds - Healthy San Francisco program evaluation - $250,000]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $250,000 from the California Endowment to fund the Healthy San Francisco program evaluation; for the period of February 2, 2009, through July 31, 2010.

(Fiscal Impact.)

Enacted Number: 152-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090326 **[Accept and Expend DWR Grant Funds - SFPUC - $517,500]** **Supervisor Maxwell**

Resolution authorizing the San Francisco Public Utilities Commission to retroactively accept and expend a California Department of Water Resources Grant in the amount of $517,500.

(Fiscal Impact.)

Enacted Number: 147-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090342 **[Recognizing freshwater as a human right and the importance of access to safe drinking water for all]** **Supervisors Dufty, Campos, Daly**

Resolution recognizing freshwater as a human right and the importance of access to safe drinking water for all.

Enacted Number: 153-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Recommendation of the Land Use and Economic Development Committee

081282 **[Urging City Departments to develop a Home Improvement Plan for the Bayshore Corridor]** **Supervisors Maxwell, Dufty, Chiu**

Resolution urging the Planning Department, Office of Economic and Workforce Development, and Redevelopment Agency to develop plans and programs to establish a Green and Sustainable Home Improvement District for the Bayshore Corridor area in Bayview Hunters Point.

Amended, on Page 1, Title, Lines 4-5, after "Redevelopment Agency" by adding "and the San Francisco Municipal Transportation Agency" and on Page 2, Lines 15-20, after "3) a business attaction plan" by adding "that promotes opportunities for local businesses" and on Page 2, Lines 20-22, by adding "8) a plan to generate jobs for the surrounding communities through the establishment of this district, and 9) an assessment of traffic congestion impacts."

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Resolution urging the Planning Department, Office of Economic and Workforce Development, and Redevelopment Agency, and the San Francisco Municipal Transportation Agency to develop plans and programs to establish a Green and Sustainable Home Improvement District for the Bayshore Corridor area in Bayview Hunters Point.

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Recess

The Board recessed at the hour of 2:56 p.m.

Reconvening of the Board

The Board reconvened at the hour of 3:33 p.m.

On the call of the roll, the following Supervisors were noted present:

Supervisors Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

There was a quorum present.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Nancy DeStefanis for her contributions and teachings at Stow Lake in Golden Gate Park.

COMMITTEE REPORTS

Supervisor Mirkarimi was noted present at 3:33 p.m.

090233 **[Appointment, Historical Preservation Commission - Ruth Todd]**

Motion rejecting the Mayor's nomination for appointment of Ruth Todd to the Historical Preservation Commission, Seat No. 2, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. companion measure to File 090232. Transmittal date - February 24, 2009.)

Enacted Number: M09-74

APPROVED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library

Francisco Da Costa; expressed concern with issues relating to mandatory business and toxic dirt

Jackie Wright; expressed concern with issues relating to racism

John Di Donna; expressed concern with issues relating to black clothing

Walter; shared in song certain issues with the Board

Richard O'Neal; expressed concern with issues relating to availability of work

David Elder; expressed concern with issues relating to heritage

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090462 **[AmeriCorps Week - May 9 - 16, 2009]** **Supervisor Alioto-Pier**

Resolution declaring May 9 - 16, 2009, AmeriCorps Week.

Enacted Number: 155-09

ADOPTED

090463 **[Supporting Aerial Spraying of Pesticide: Inert Ingredients Act (Senate Bill 759)]** **Supervisor Alioto-Pier**

Resolution urging the City and County of San Francisco to support Senate Bill 759, Aerial Spraying of Pesticide: Inert Ingredients Act.

Enacted Number: 156-09

ADOPTED

090464 **[Congratulating President-Elect Mauricio Funes of El Salvador and encouraging further collaboration and solidarity with San Francisco's Sister City in El Salvador, Santa Tecla]** **Supervisors Campos, Avalos, Daly, Mar, Mirkarimi**

Resolution congratulating President-Elect Mauricio Funes of El Salvador and encouraging further collaboration and solidarity with San Francisco's Sister City, Santa Tecla.

Enacted Number: 145-09

ADOPTED

090465 **[Denouncing immigration raids and supporting comprehensive immigration reform]** **Supervisors Campos, Mar, Chiu**

Resolution acknowledging immigrant contributions, denouncing Immigration and Customs Enforcement (ICE) raids, and supporting comprehensive immigration reform focused on family unity, worker justice, civil rights and a path to legalization.

Supervisors Mar and Chiu requested to be added as co-sponsors.

Enacted Number: 149-09

ADOPTED

090466 **[Taxi Medallion Fees]** **Supervisor Chiu**

Resolution urging the San Francisco Municipal Transportation Agency to examine and consider taxi medallion fees.

Enacted Number: 146-09

ADOPTED

090467 **[Urging the United States Postal Service to issue a commemorative stamp in honor of Supervisor Harvey Milk]** **Supervisors Dufty, Campos**

Resolution urging the United States Postal Service to issue a commemorative stamp in honor of Supervisor Harvey Milk.

Enacted Number: 157-09

ADOPTED

090468 **[Commending Captain Denis O'Leary for his leadership at the Ingleside Station]** **Supervisors Dufty, Campos, Elsbernd, Avalos, Mirkarimi**

Resolution commending Captain Denis O'Leary for his leadership at the Ingleside Station, and his accomplishments increasing public safety.

Enacted Number: 158-09

ADOPTED

090472 **[Commending Neil G. Giuliano for his success as the President and voice of Gay and Lesbian Alliance Against Defamation (GLAAD)]** **Supervisor Dufty**

Resolution commending Neil G. Giuliano for his dedication and service as the President of the Gay and Lesbian Alliance Against Defamation (GLAAD).

Enacted Number: 148-09

ADOPTED

090454 **[Final Map: 64 - 72 Townsend Street]**

Motion approving Final Map 4779, a 3 Lot Airspace Mixed-Use Subdivision and a 74 Residential Unit Condominium Project, located at 64 - 72 Townsend Street being a subdivision of Lot 003 in Assessors Block No. 3789 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,126; District 6.)

Enacted Number: M09-75

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090473 **[Building and Housing Code - Code Enforcement Fees for One and Two-Family Rental Units]** **Supervisors Campos, Chiu, Daly**

Ordinance amending the San Francisco Building Code Chapter 1A, Section 110A, Table 1A-P, and the San Francisco Housing Code Chapter 3, Section 302 to authorize the Department of Building Inspection to charge a fee of $52.00 per unit to recover the cost of on-going Housing Code enforcement services for one and two-family rental dwellings; and making environmental findings.

4/21/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/21/2009

090474 **[Divided ownership of Real Ownership Opportunities for Tenants (ROOTS) program projects comprised of separate legal parcels]** **Supervisor Chiu**

Ordinance amending San Francisco Board of Supervisors Ordinance No. 34-07 by permitting projects that are the subject of Real Ownership Opportunities for Tenants (ROOTS) program grants to be comprised of separate legal parcels.

4/21/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090475 **[Exceptions to Seismic Safety Loan Program requirements to amend loan to 53 Columbus Avenue]** **Supervisor Chiu**

Ordinance approving exceptions to requirements under San Francisco Administrative Code Sections 66 and 66A and the Seismic Safety Loan Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. __________ to amend an existing Seismic Safety Loan Program ("SSLP") loan for a project at 53 Columbus Avenue, San Francisco, California, to allow for cooperative housing and a transfer of the commercial portion of the project improvements.

4/21/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090477 **[Amending Planning Code - South of Market (SOMA) Community Stabilization Fund]** **Supervisor Daly**

Ordinance amending Section 318.2 and 318.7 of the San Francisco Planning Code to clarify certain provisions relating to the South of Market (SOMA) Stabilization Fund to clarify that the Mayor's Office of Community Investment, the successor to the Mayor's Office of Community Development, will manage and expend the Fund; and amending Section 318.3 to clarify that the SOMA Stabilization fee is due before issuance of the final certificate of occupancy or within a time certain after the issuance of a first certificate of occupancy, whichever is sooner; and making certain findings including findings under the California Environmental Quality Act.

4/21/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/21/2009.

090136 **[Measure adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]** **Supervisors Chiu, Dufty**

Ordinance adopting and submitting to the voters the ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that state law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if state law authorizes the City to impose it and directing submission of the measure for voter approval at the November 3, 2009 general municipal election.

(2/9/09 - Economic Impact)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/06/09 - Referred to the Small Business Commission, Retirement Board, and the Ethics Commission for review and comment.

2/11/09, TRANSFERRED to Board of Supervisors.

2/18/09, TRANSFERRED to Budget and Finance Committee.

4/21/09, SUBSTITUTED. Supervisor Chiu submitted a substitute ordinance bearing new title.

4/21/09, ASSIGNED to Budget and Finance Committee.

Resolutions

090478 **[Accept and Expend - Department of Public Health Grant - $402,342]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend a grant in the amount of $402,342 from the Centers for Disease Control and Prevention (CDC) to support the Medical Monitoring Project (MMP); for the period of June 1, 2009, through May 31, 2010.

4/21/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090479 **[Accept and Expend - U.S. Department of Housing and Urban Development Grant - $3,000,000]** **Mayor, Supervisor Dufty**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed $3,000,000.

4/21/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090480 **[Supporting Senate Bill 797, the Toxin-Free Babies and Toddlers Act]** **Supervisors Alioto-Pier, Campos**

Resolution urging the City and County of San Francisco to support Senate Bill 797 (SB 797), the Toxin-Free Babies and Toddlers Act

4/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090481 **[Accept and Expend Grant - Department of Public Health (DPH) - $100,000]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of $100,000 from the National Association of County and City Health Officials (NACCHO) to support a public health preparedness project through the Communicable Disease and Prevention Section; for the period of April 1, 2009 through September 29, 2009.

4/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090482 **[Opposing Proposition 1D on the May 19, 2009, Statewide Special Election]** **Supervisors Avalos, Mar, Campos, Daly**

Resolution opposing Proposition 1D on the May 19, 2009, Statewide Special Election.

4/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090483 **[Supporting Senate Bill 585 to ban gun shows at the Cow Palace]** **Supervisors Avalos, Dufty, Maxwell, Campos**

Resolution supporting Senate Bill 585 to ban gun shows at the Cow Palace.

4/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090486 **[Drug Enforcement Administration (DEA) raids on medical cannabis dispensaries]** **Supervisors Campos, Mirkarimi, Mar, Avalos, Daly**

Resolution urging a cessation of recent Drug Enforcement Administration raids on medical cannabis dispensaries.

4/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090487 **[Accept and Expend Grant - Department of Public Health (DPH) - $34,645]** **Supervisors Dufty, Campos**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $34,645 from the Public Health Foundation Enterprises (PHFE), to support a research project entitled "Chemoprophylaxis for HIV Prevention in Men;" for the period of February 1, 2009, through January 31, 2010.

4/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090488 **[Commending Parents for Public Schools-San Francisco for ten years of service]** **Supervisors Dufty, Mar, Chiu, Campos**

Resolution commending Parents for Public Schools-San Francisco for ten years of service to the parents, students and public schools of San Francisco.

4/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090489 **[Building Safety Week - May 3-9, 2009]** **Supervisor Elsbernd**

Resolution declaring May 3-9, 2009, as Building Safety Week in San Francisco, recognizing the public safety efforts undertaken by the professionals at the Department of Building Inspection, and honoring these public employees for their dedication to safety.

4/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090490 **[Commending Robert Pender on the occasion of his 85th birthday]** **Supervisors Elsbernd, Mar**

Resolution commending Robert Pender on the occasion of his 85th birthday.

4/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090491 **[Accept and Expend Grant - Department of Public Health - Laguna Honda Hospital (DPH-LHH) - $7,500]** **Supervisor Elsbernd**

Resolution authorizing the San Francisco Department of Public Health (DPH) - Laguna Honda Hospital (DPH-LHH), to accept and expend retroactively a grant in the amount of $7,500 from the Stanford Geriatric Education Center, to support the transitional healthcare project, for the period of July 1, 2008 through June 30, 2009.

4/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090492 **[Declaring June, July and August 2009 as Soda Free Summer]** **Supervisors Maxwell, Mar**

Resolution declaring June, July and August 2009 as "Soda Free Summer" and
urging all San Franciscans to join Shape Up SF to "Rethink Your Drink " and go Soda Free this summer.

4/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

090452 **[Withdrawing Charter Amendment for November 2009 Election - Board of Supervisors aides]** **Supervisors Alioto-Pier, Elsbernd**

Motion withdrawing, pursuant to Section 370(a) of the Municipal Elections Code, the Board of Supervisors order of submission to the voters a Charter Amendment entitled Board of Supervisors aides.

4/21/09, RECEIVED AND ASSIGNED to Rules Committee.

090476 **[Rejecting the FY 2009-2010 Municipal Transportation Agency (MTA) Budget]** **Supervisors Chiu, Mirkarimi**

Motion rejecting the Municipal Transportation Agency's (MTA) proposed FY 2009-2010 budget.

(Fiscal Impact.)

4/21/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED ORDINANCE

090394 **[Settlement of Lawsuit - San Francisco Pier 33 LLC - $225,000]**

Ordinance authorizing settlement of the lawsuit filed by San Francisco Pier 33 LLC against the City and County of San Francisco for $225,000; the lawsuit was filed on July 9, 2007, in San Francisco County Superior Court, Case No. CGC 07-464954; entitled San Francisco Pier 33 LLC v. City and County of San Francisco, et al.; other material terms of said settlement are agreement to amend plaintiff's lease of San Francisco Port Commission property to expand permissible uses, allow for certain sign replacements, and provide right of first refusal to enter into five-year lease of the property beginning June 13, 2014. (City Attorney)

4/9/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

090455 **[Settlement of Claim - Marsanne Weese - $26,974.20]**

Resolution approving the settlement of the unlitigated claim submitted by Marsanne Weese against the City and County of San Francisco for $26,974.20; claim was submitted on September 26, 2008. (City Attorney)

4/9/09, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Mirkarimi
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft legislation that would create a pilot program to allow street fairs to charge admission for events on the streets surrounding the Civic Center Park area. Please explore the possibilities of requiring organizers to meet the following requirements:

- *Must be a non-profit*
- *Must pay a higher permit fee and donate a portion of the proceeds to charity.*
- *Must outreach to residents within one block and offer them free admission.*
- *A portion of the area must be designated for free-of-charge access with related activities or entertainment.*
- *Receive approval of the Entertainment Commission.*

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Metal Pole
In front 442 Haight
In front of 445 Fillmore
Southeast corner Stanyan & Waller
Oak and Central (Panhandle side)
Southwest corner Page & Scott
Southwest corner Masonic & Fulton
Southwest corner McAllister & Webster

Wood Poles
In front of 419 Clayton

Bus Shelters
Southwest corner Fillmore and Hayes
Fillmore and Hermann (graffiti in canopy)
All four bus shelters on Haight and Fillmore (graffiti in canopy)
Southwest corner Laguna & McAllister
Southeast corner McAllister and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Utility Boxes
Northwest corner McAllister and Fillmore
Southeast corner of Broderick & Fell
Southeast corner Fell & Buchanan
Northeast corner Baker & Fulton

Garbage Cans
Northeast corner Haight & Buchanan
Southwest corner Haight & Webster

Mailboxes
Southwest corner Grove & Gough

Fire Hydrant
Northeast corner Clayton & Waller

Potholes
On Fillmore (West side, North of Grove)

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

355 Laguna
2275 Fulton
1213 Fell
1230 Fell
745 Fillmore
515 Fell
478 Haight
498 Haight
430 Haight
1153 Oak
1008 Oak
501 Fillmore
399 Webster

In Memoriams

Williom E. Price - Entire Board

Ann L. Brady Powell - Supervisor Dufty

Kyle Peter Llarinas - Supervisor Elsbernd

Richard Peterson, Sr. - Supervisors Elsbernd, Dufty, Alioto-Pier, Chu, Maxwell

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:45 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronologicol sequence in which the motters were taken up.

Approved by the Board of Superuisors on Moy 19, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

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Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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April 28, 2009

City and County of San Francisco

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MEETING MINUTES

Tuesday, April 28, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michelo Alioto-Pier, John Avolos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevon Dufty, Seon Elsbernd, Eric Mor, Sophie Maxwell, Ross Mirkorimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of March 31, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Rules Committee

090354 **[Settlement of Lawsuit - State of California, Department of Alcohol and Drug Programs - $604,354]**

Ordinance authorizing settlement of the administrative action filed by the State of California, Department of Alcohol and Drug Programs against the City and County of San Francisco for $604,354; the administrative action was initiated on March 20, 2008, in the California Office of Administrative Hearings, Case Nos. SACPA 02/03-38 and 03/04-38, OAH No. 2008070346 entitled In the Matter of the [illegible] of the City and County of San Francisco, Substance Abuse and Crime Prevention Act. (City Attorney)

PASSED ON FIRST READING

090385 **[Settlement of Lawsuit - Robert Cruz and Darwin Dias - $92,000]**

Ordinance authorizing settlement of the lawsuit filed by Robert Cruz and Darwin Dias against the City and County of San Francisco for $92,000; the lawsuit was filed on January 14, 2008, in the United States District Court, Northern District of California, Case No. 08-0244; entitled Robert Cruz, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090384 **[Settlement of Unlitigated Claim - Allstate Insurance Company - $30,000]**

Resolution approving the settlement of unlitigated claim of Allstate Insurance Company as subrogee for Rajitha Sangha against San Francisco for $30,000; claim was filed on October 22, 2008. (City Attorney)

Enacted Number: 160-09

ADOPTED

090434 **[Appointments, Children's Collaborative Task Force - Lindsay Page, Peggy Brown and Allyson Clark]**

Motion appointing Lindsay Page, Peggy Brown and Allyson Clark, terms to be determined, to the Children's Collaborative Task Force.

Lindsay Page, seat 5, new appointment, must be the parent of a child currently enrolled in or attending a public school in San Francisco, for a two-year term to be determined. Peggy Brown, seat 11, new appointment, must be a teacher and/or an education professional currently employed by a private school in San Francisco, for a two-year term to be determined. Allyson Clark, seat 20, new appointment, must be the parent of a child currently enrolled in or attending a parochial school in San Francisco, for a two-year term to be determined.

Enacted Number: M09-76

APPROVED

090435 **[Appointments, Child Care Planning and Advisory Council - Judith Baker, Lourdes Alarcon and Heidi McLaughlin]**

Motion appointing Judith Baker, term ending December 31, 2010, Lourdes Alarcon, term ending December 31, 2009 and Heidi McLaughlin, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

Judith Baker, seat 6, succeeding Noushin Mofakham, resigned, must be a nominee of District 6 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative" for the unexpired portion of a three-year term ending December 31, 2010. Lourdes Alarcon, seat 8, succeeding Rita Times, term expired, must be a nominee of District 8 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for the unexpired portion of a three-year term ending December 31, 2009. Heidi McLaughlin, seat 9, succeeding herself, term expired, must be a nominee of District 9 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for the unexpired portion of a three-year term ending December 31, 2011.

Enacted Number: M09-77

APPROVED

090436 **[Appointment, Bicycle Advisory Committee - Rachel Ebora]**

Motion appointing Rachel Ebora, term ending November 19, 2010, to the Bicycle Advisory Committee.

Rachel Ebora, seat 9, succeeding Mark Hostenpiller, term expired, must be a nominee of District 9 Supervisor, for unexpired portion of a two-year term ending November 19, 2010.

Enacted Number: M09-78

APPROVED

090439 **[Appointments, Immigrant Rights Commission - Solomon Jones and Elahe Enssani]**

Motion appointing Solomon Jones and Elahe Enssani, terms ending June 6, 2010, to the Immigrant Rights Commission.

Solomon Jones, seat 3, succeeding himself, term expired, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2010. Elahe Enssani, seat 9, succeeding herself, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2010.

Enacted Number: M09-79

APPROVED

090440 **[Appointment, Commission on the Aging Advisory Council - Vera Haile]**

Motion appointing Vera Haile, term ending March 31, 2011, to the Commission on the Aging Advisory Council.

Vera Haile, seat 8, succeeding herself, term expired, must be nominee of District 1 Supervisor for the unexpired portion of a two-year term ending March 31, 2011.

Enacted Number: M09-80

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

090202 **[Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]** **Supervisor Maxwell**

Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

Enacted Number: 72-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090224 **[Zoning Map Amendments In Connection With Visitacion Valley Redevelopment Plan]** **Supervisor Maxwell**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Enacted Number: 71-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090223 **[Schlage Lock/Visitacion Valley Special Use District]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.

(Economic Impact)

Enacted Number: 73-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090222 **[Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]** **Mayor, Supervisor Maxwell**

Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

(Economic Impact)

Enacted Number: 70-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

From the Budget and Finance Committee Without Recommendation

090424 **[Approving the 2009 San Francisco Juvenile Justice Local Action Plan Update] Supervisor Avalos**

Resolution approving the 2009 San Francisco Juvenile Justice Local Action Plan which identifies the citywide programs and approaches that have been demonstrated to be effective in reducing violence, crime and delinquency amongst young adults ages 11 - 25 and includes recommendations for how funding for local violence prevention and intervention strategies will be allocated for the term of July 1, 2009 - June 30, 2010.

Enacted Number: 162-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Subcommittee Without Recommendation

090093 **[Solar Energy Agreements with Recurrent Energy]** **Mayor, Supervisors Chu, Dufty, Alioto-Pier, Mar**

Ordinance approving a 25-Year Power Purchase Agreement and Site Lease Agreement with RE-SFCITY1, LP (Recurrent), a wholly owned subsidiary of Recurrent Energy, to finance, construct, own, operate, and maintain a solar photovoltaic power plant on the rooftop of the North Storage Basin Reservoir and certain adjacent land on the Sunset Reservoir property located at the intersection of 24th Avenue and Ortega Street, San Francisco, and to sell all electricity generated by the project to the City acting through its Public Utilities Commission.

(Fiscal Impact.) (Supervisor Campos dissented in Committee.)

Supervisors Alioto-Pier and Mar requested to be added as co-sponsors.

Continued to May 5, 2009.

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

Recommendations of the Budget and Finance Subcommittee

090404 **[Certificates of Participation for Street Improvements - $42,000,000]** **Mayor**

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed $42,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements; approving the form of a First Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a First Supplement to Project Lease between the City and the Trustee relating to the real property and improvements located at 375 Laguna Honda Boulevard; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090418 **[Waiver of fee for temporary farmers' market in Noe Valley from April 14, 2009, through September 29, 2009]** **Supervisor Dufty**

Ordinance waiving the fees in San Francisco Business and Tax Regulations Code Sections 35 and 248 and in San Francisco Administrative Code Section 1.10-1 for a farmers' market to be held at 3950 24th Street from April 14, 2009, through September 29, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090211 **[Planning Code-Amending Appendix C to Article 11 Regarding 608 Folsom Street]**

Ordinance amending the designation of 608 Folsom Street (Assessor's Block 3735, Lot 009) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090225 **[Residential Water Conservation Ordinance Amendments]** **Mayor, Supervisor Maxwell**

Ordinance amending Chapter 12A of the San Francisco Housing Code to achieve water conservation by improving the water efficiency of residential buildings by amending the standards for water closets, showerheads, and faucet aerators and requiring leak repair in all residential buildings, except for tourist hotels and motels, required upon the occurrence of specific events, amending Chapter 12A to allow an exemption to preserve historical integrity, amending Chapter 12 and 12 A to allow paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, amending Section 1211 to clarify that domestic partners are entitled to the same exemptions from the definition of transfers as spouses, amending the Section 1216 fee provision for energy conservation compliance to include water conservation compliance, and providing that this ordinance shall be effective no earlier than July 1, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090226 **[Commercial Water Conservation Ordinance Amendments]** **Mayor, Supervisor Maxwell**

Ordinance amending Chapter 13A of the San Francisco Building Code to achieve water conservation by improving the water efficiency of commercial buildings by changing the standards for water closets, urinals, showerheads and faucet aerators and requiring leak repair, required upon the occurrence of major additions or improvements, and in all defined commercial buildings no later than January 1, 2017, authorizing an exemption to preserve historical integrity of the building, authorizing paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, providing that reasonable fees may be required to pay for the cost of implementing this Chapter, to be established by subsequent Board action, and providing that this ordinance shall be effective no earlier than July 1, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

090453 **[Appointment, Police Commission - Petra DeJesus]**

Motion appointing Petra DeJesus, term ending April 30, 2013, to the Police Commission.

Petra DeJesus, seat 3, succeeding herself, term expiring on April 30, 2009, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors for a four-year term ending April 30, 2013.

Enacted Number: M09-81

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Board of Supervisors Sitting as a Committee of the Whole

090316 **[Committee of the Whole - Hearing on the Board of Supervisors' roles and responsibilities during a City Emergency]** **Supervisors Maxwell, Chiu**

Hearing on the roles and responsibilities of the Board of Supervisors during a City Emergency.

The President inquired as to whether any members of the public wished to address the Board members.

Vicki Hennessy (Department of Emergency Management) presented information relating to the Board of Supervisors' role in emergency management and introduced staff who provided an update on the swine flu outbreak; Members of the Police Department spoke regarding emergency planning and associated reactions; Anne Kronenberg (Department of Public Health) spoke regarding outreach and emergency preparation. Nilka Julio (Office of the Clerk of the Board) spoke regarding emergency plan and associated expectations.

There were no other speakers.

The President declared the public hearing closed.

FILED.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented Certificates of Honor to Chong Park, Ho Rim Kam, and Joyce Kim for their service at City Hall Cafe.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to She Fun Lee in recognition of his 92nd birthday

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed appreciation to the current Federal administration

James Chaffee; expressed concern with issues relating to the SF Public Library

Walter Paulson; shared in song certain issues with the Board

Danny O'Landry; expressed concern with issues relating to the Western Addition Board of Directors and subsequent disclosure

Female speaker; expressed concern with issues relating to solving child homicides and violence in the community

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090480 **[Supporting Senate Bill 797, the Toxin-Free Babies and Toddlers Act]** **Supervisors Alioto-Pier, Campos**

Resolution urging the City and County of San Francisco to support Senate Bill 797 (SB 797), the Toxin-Free Babies and Toddlers Act.

Enacted Number: 168-09

ADOPTED

090481 **[Accept and Expend Grant - Department of Public Health (DPH) - $100,000]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of $100,000 from the National Association of County and City Health Officials (NACCHO) to support a public health preparedness project through the Communicable Disease and Prevention Section; for the period of April 1, 2009 through September 29, 2009.

Enacted Number: 166-09

ADOPTED

090483 **[Supporting Senate Bill 585 to ban gun shows at the Cow Palace]** **Supervisors Avalos, Dufty, Maxwell, Campos**

Resolution supporting Senate Bill 585 to ban gun shows at the Cow Palace.

Supervisor Maxwell requested to be added as a co-sponsor.

Enacted Number: 167-09

ADOPTED

090487 **[Accept and Expend Grant - Department of Public Health (DPH) - $34,645]** **Supervisors Dufty, Campos**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $34,645 from the Public Health Foundation Enterprises (PHFE), to support a research project entitled "Chemoprophylaxis for HIV Prevention in Men;" for the period of February 1, 2009, through January 31, 2010.

Enacted Number: 164-09

ADOPTED

090488 **[Commending Parents for Public Schools-San Francisco for ten years of service]** **Supervisors Dufty, Mar, Chiu, Campos**

Resolution commending Parents for Public Schools-San Francisco for ten years of service to the parents, students and public schools of San Francisco.

Supervisors Mar and Chiu requested to be added as co-sponsors.

Enacted Number: 159-09

ADOPTED

090489 **[Building Safety Week - May 3-9, 2009]** **Supervisor Elsbernd**

Resolution declaring May 3-9, 2009, as Building Safety Week in San Francisco, recognizing the public safety efforts undertaken by the professionals at the Department of Building Inspection, and honoring these public employees for their dedication to safety.

Enacted Number: 163-09

ADOPTED

090490 **[Commending Robert Pender on the occasion of his 85th birthday]** **Supervisors Elsbernd, Mar**

Resolution commending Robert Pender on the occasion of his 85th birthday.

Supervisor Mar requested to be added as a co-sponsor.

Enacted Number: 170-09

ADOPTED

090491 **[Accept and Expend Grant - Department of Public Health - Laguna Honda Hospital (DPH-LHH) - $7,500]** **Supervisor Elsbernd**

Resolution authorizing the San Francisco Department of Public Health (DPH) - Laguna Honda Hospital (DPH-LHH), to accept and expend retroactively a grant in the amount of $7,500 from the Stanford Geriatric Education Center, to support the transitional healthcare project, for the period of July 1, 2008 through June 30, 2009.

Enacted Number: 165-09

ADOPTED

090492 **[Declaring June, July and August 2009 as Soda Free Summer]** **Supervisors Maxwell, Mar**

Resolution declaring June, July and August 2009 as "Soda Free Summer" and
urging all San Franciscans to join Shape Up SF to "Rethink Your Drink " and go Soda Free this summer.

Supervisor Mar requested to be added as a co-sponsor.

Enacted Number: 161-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

Supervisor Maxwell, seconded by Supervisor Dufty, moved to suspend the Board of Supervisors Rules of Order Section 4.28 to allow for public comment on File No. 090350.

Motion to suspend the Board of Supervisors Rules of Order Section 4.28 passed without objection.

The President inquired as to whether any members of the public wished to address the Board members.

There were none.

The President declared the public hearing closed.

090350 **[Board of Supervisors to sit as a Committee of the Whole - April 28, 2009]** **Supervisors Maxwell, Chiu**

Motion that the Board convenes as a Committee of the Whole on April 28, 2009, to consider Board of Supervisors File Number 090316, a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

Enacted Number: M09-82

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Supervisor Elsbernd requested that these matters be severed so that they may be considered separately.

090482 **[Opposing Proposition 1D on the May 19, 2009, Statewide Special Election]** **Supervisors Avalos, Mar, Campos, Daly**

Resolution opposing Proposition 1D on the May 19, 2009, Statewide Special Election.

Supervisor Mar requested to be added as a co-sponsor.

Continued to May 5, 2009.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090486 **[Drug Enforcement Administration (DEA) raids on medical cannabis dispensaries]** **Supervisors Campos, Mirkarimi, Mar, Avalos, Daly**

Resolution urging a cessation of recent Drug Enforcement Administration raids on medical cannabis dispensaries.

Supervisors Mirkarimi, Mar, and Avalos requested to be added as co-sponsors.

Continued to May 5, 2009.

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding] Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090517 **[Proclaiming April 2009 Autism Awareness Month in San Francisco]** **Supervisors Dufty, Alioto-Pier**

Resolution proclaiming April 2009 Autism Awareness Month in San Francisco.

Enacted Number: 169-09

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090523 **[Eastern Neighborhoods Citizens Advisory Committee]** **Supervisor Daly**

Ordinance amending the Administrative Code Section 10E.2 concerning the qualifications for and number of members on the Eastern Neighborhoods Citizens Advisory Committee.

4/28/09, RECEIVED AND ASSIGNED to Rules Committee. 5/14/09 - Referred to the Planning Commission for comment and recommendation.

090526 **[Waiver of temporary street space occupancy fee on May 16, 2009, for Small Business Week Sidewalk Sale]** **Mayor, Supervisor Dufty**

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 16, 2009, as part of Small Business Week.

4/28/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090527 **[Public Employment and Accept and Expend Federal pass through State Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009. Mayor's Summer Food Service Program and the Afterschool** **Mayor**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-09) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Their Families (CHF), and authorizing the department to accept and expend a grant in the amount of $885,127 currently and retroactively, if necessary, from the United States Department of Agriculture pass through the California Department of Education to sponsor the 2009 Mayor's Summer Food Service Program and the After School Snack Program.

(Fiscal Impact.)

4/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

090517 **[Proclaiming April 2009 Autism Awareness Month in San Francisco]** **Supervisors Dufty, Alioto-Pier**

Resolution proclaiming April 2009 Autism Awareness Month in San Francisco.

4/28/09, ADOPTED.

090524 **[Initiate the Designation of the ILA Hall 38-79, 113 Steuart Street, as a Landmark]** **Supervisor Daly**

Resolution initiating designation of real property at 113 Steuart Street, located on the western side of Embarcadero encompassing all of Block 3715, Lot 2, including the building located thereon, commonly known as the ILA Hall 38-79, as a Landmark pursuant to Section 1004.1 of San Francisco Planning Code.

4/28/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090528 **[Declaring May 12, 2009, as John Ross Day]** **Supervisors Avalos, Daly, Campos**

Resolution commending John Ross for his service to San Francisco over the past 45 years as a writer, poet, journalist, speaker, teacher, and community organizer, and declaring May 12, 2009, to be John Ross Day.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090530 **[Municipal Clerks Week - May 3-9, 2009]** **Supervisors Chiu, Alioto-Pier, Avalos, Campos, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi**

Resolution declaring May 3-9, 2009, as Municipal Clerks Week in the City and County of San Francisco, hereby recognizing the vital services performed by Municipal Clerks and especially by the City and County of San Francisco Board of Supervisors Clerk of the Board Angela Calvillo, and her staff.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090531 **[Declaring May 2009 as Hepatitis B Awareness Month]** **Supervisors Chiu, Alioto-Pier, Chu, Maxwell, Campos**

Resolution declaring May 2009 as Hepatitis B awareness month in San Francisco, with the goal of holding at least one Hepatitis B awareness or prevention event every day of the month; build on continuing efforts by the San Francisco community to make San Francisco the first city in America to be free of Hepatitis B disease; encouraging all San Francisco residents to know their own Hepatitis B status.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090532 **[Supporting Senate Bill 782, Residential tenancies: domestic violence]** **Supervisors Chu, Campos, Chiu**

Resolution supporting Senate Bill 782 to provide stable, safe housing for victims of domestic violence, sexual assault or stalking.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090533 **[Urging Golden Gate National Recreation Area (GGNRA) to consider needs of Ocean Beach]** **Supervisors Chu, Mar, Elsbernd, Campos**

Resolution urging the Golden Gate National Recreation Area (GGNRA) to consider needs of Ocean Beach when allocating $16.1 million it has received in American Recovery and Reinvestment Act funds as well as future allotments of Federal funding.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090534 **[Mortgage Revenue Bonds]** **Supervisors Daly, Campos**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $12,000,000 for Arlington Residence; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $60,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $12,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090535 **[Declaring Van Ness Avenue and Geary Boulevard Bus Rapid Transits as San Francisco's Top Federal Small Starts Funding Priority]** **Supervisors Dufty, Mar, Mirkarimi, Daly**

Resolution declaring Van Ness Avenue Bus Rapid Transit and Geary Boulevard Bus Rapid Transit as San Francisco's top and sole priorities for Federal Small Starts Funding.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090536 **[Commending Chris Ellen Montgomery on her 25 years of service to the City and County of San Francisco]** **Supervisors Dufty, Campos**

Resolution commending Chris Ellen Montgomery for her 25 years of exceptional service to the City and County of San Francisco and the Department of Public Works.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090537 **[Endorsing San Francisco's inclusion in the "Healthy Purchase Pilot Program"]** **Supervisors Maxwell, Campos**

Resolution endorsing and supporting San Francisco's inclusion in the California Department of Public Health's "Healthy Purchase Pilot Program."

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

090518 **[Controller's Nine Month Report]** **Supervisor Avalos**

Hearing on the Controller's Nine Month Report.

4/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090519 **[Proposed changes to the Annual Appropriation Ordinance for the Municipal Transportation Agency for fiscal year 2009-2010]** **Supervisor Avalos**

Hearing to consider proposed changes to the Annual Appropriation Ordinance for the Municipal Transportation Agency for fiscal year 2009-2010.

4/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090520 **[Ethics Commission's priorities for fiscal year 2009-2010]** **Supervisor Campos**

Hearing on the Ethics Commission's priorities for fiscal year 2009-2010.

4/28/09, RECEIVED AND ASSIGNED to Rules Committee.

090521 **[Mexican Museum project]** **Supervisor Campos**

Hearing to discuss the status of the Mexican Museum project. The hearing shall include a discussion of the City and County of San Francisco's commitment to the completion of the Mexican Museum project. The hearing shall include a presentation by and/or discussion with all relevant City agencies, including, without limitation, the San Francisco Arts Commission, the San Francisco Redevelopment Agency, and the Mayor's Office of Neighborhood Services.

4/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090522 **[Health and Economic Stimulus]** **Supervisor Maxwell**

Hearing on the correlation of health and wellness to economic recovery programs and reinvestment for San Francisco.

4/28/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Motions

090525 **[Amending the Rules of Order of the Board of Supervisors to establish process regarding Civil Grand Jury Reports]** **Supervisor Mirkarimi**

Motion amending the Rules of Order of the Board of Supervisors to add a new Section 6.26 establishing timeline and process for review and preparation of response to Civil Grand Jury Reports.

4/28/09, RECEIVED AND ASSIGNED to Rules Committee.

090529 **[Waiver permitting City Employees to Assist the Department of Elections with the May 19, 2009, special statewide election]** **Supervisor Chiu**

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the May 19, 2009, special statewide election.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

090076 **[Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]**

Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of $250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; amending Section 80.8 to clarify that the Blight Enforcement Fund is a Category Six special fund within the meaning of Administrative Code Title XIII, Section 10.100-1; and making environmental findings. (Public Works Department)

1/26/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/5/2009. 02/03/09 - Referred to Planning for determination of environmental impact. 02/10/09 - Response received from Planning, exempt from CEQA.

4/13/09, SUBSTITUTED. Department of Public Works submitted a substitute ordinance bearing new title.

4/13/09, ASSIGNED to Budget and Finance Committee.

4/24/09, TRANSFERRED to Budget and Finance Subcommittee.

PROPOSED RESOLUTIONS

090450 **[Approval of Sheriff's Contract for Jail Commissary and Inmate Trust Fund Accounting & Management System with ARAMARK Correctional Services, LLC]**

Resolution approving a contract for operating the Sheriff's Jail Commissary and Inmate Trust Fund Accounting & Management System, between ARAMARK Correctional Services, LLC. (ARAMARK), and the City and County of San Francisco, acting by and through its Sheriff's Department. (Sheriff)

4/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090451 **[Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utilities]**

Resolution approving and authorizing the execution of a Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utility Amounts. (Treasure Island Development Authority)

(Fiscal Impact.)

4/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Avalos
To: Director, Human Services Agency
Requesting/Inquiring: Inquiring of the Human Services Agency a detailed accounting and breakdown of $189 million reportedly spent by the City on homeless services.

From: Supervisor Campos
To: City Administrator, Office of the City Administrator
Requesting/Inquiring: Requesting a list of contracts under $10 million issued by the Purchasing Division of the Office of the City Administrator in fiscal years 2007-08, 2008-09, and 2009-10.

From: Supervisor Maxwell
To: Clerk of the Board
Requesting/Inquiring: Requesting the Clerk of the Board to prepare an analysis of how the current Budget Analyst's Office functions might operate within the Department of Board of Supervisors.

The analysis should include:
1. An estimate of City resources needed to conduct all or portions of the scope of work outlined in the current Budget Analyst's Office contract.
2. A discussion of where the Budget Analyst functions might fit within the organizational structure of the Department.
3. An evaluation of the Office of Legislative Analyst's capacity to perform a portion of this scope of work.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Can
Northwest corner Grove & Fillmore; Southwest corner Buena Vista West and Haight

Mailboxes
In front of 560 Haight; Southeast corner Cole and Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

355 Laguna
55 Laguna (Haight and Buchanan Street sides)
583 Haight (the merchant is Blown Away)
500 Scott
478-484 Haight
1174 Fell
1213 Fell
638 Stanyan
1301 Haight
796 Haight
1415 Broderick
1001 Cole
525 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

In front of 1112 Haight
In front of 937 Haight
Northeast corner Carl & Clayton
Northwest corner Clayton & Fulton
Southeast corner Divisadero & Haight (near bus shelter)
In front of 228 Fulton

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes
Southeast corner Golden Gate & Scott
Southwest corner Stanyan and Haight
Southwest corner Clayton and Fulton
Northeast corner McAllister and Scott

Bus Shelters
Southeast corner Hayes and Buchanan
Southwest corner Pierce & Haight
Southside of street @ Haight & Buena Vista West
Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes
Southwest corner Golden Gate and Gough

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

In Memoriams

Dan Cusick - Supervisor Dufty

Paolo Dominici - Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:15 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on May 19, 2009.

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May 05, 2009

City and County of San Francisco

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MEETING MINUTES

Tuesday, May 5, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to approve the Board Meeting Minutes of April 7, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Budget and Finance Subcommittee

090418 **[Waiver of fee for temporary farmers' market in Noe Valley from April 14, 2009, through September 29, 2009]** **Supervisor Dufty**

Ordinance waiving the fees in San Francisco Business and Tax Regulations Code Sections 35 and 248 and in San Francisco Administrative Code Section 1.10-1 for a farmers' market to be held at 3950 24th Street from April 14, 2009, through September 29, 2009.

Enacted Number: 75-09

FINALLY PASSED

090404 **[Certificates of Participation for Street Improvements - $42,000,000]** **Mayor**

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed $42,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements; approving the form of a First Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a First Supplement to Project Lease between the City and the Trustee relating to the real property and improvements located at 375 Laguna Honda Boulevard; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

Enacted Number: 74-09
FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

090323 **[Approval of Software License and Software Maintenance contracts between the Department of Public Health and Philips Healthcare]** **Supervisor Dufty**

Resolution authorizing the Department of Public Health to enter into a Software License and Software Maintenance contract with Philips Healthcare.

Enacted Number: 179-09
ADOPTED

Recommendations of the Land Use and Economic Development Committee

090211 **[Planning Code-Amending Appendix C to Article 11 Regarding 608 Folsom Street]**

Ordinance amending the designation of 608 Folsom Street (Assessor's Block 3735, Lot 009) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Commission)

Enacted Number: 80-09
FINALLY PASSED

090225 **[Residential Water Conservation Ordinance Amendments]** **Mayor, Supervisor Maxwell**

Ordinance amending Chapter 12A of the San Francisco Housing Code to achieve water conservation by improving the water efficiency of residential buildings by amending the standards for water closets, showerheads, and faucet aerators and requiring leak repair in all residential buildings, except for tourist hotels and motels, required upon the occurrence of specific events, amending Chapter 12A to allow an exemption to preserve historical integrity, amending Chapter 12 and 12A to allow paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, amending Section 1211 to clarify that domestic partners are entitled to the same exemptions from the definition of transfers as spouses, amending the Section 1216 fee provision for energy conservation compliance to include water conservation compliance, and providing that this ordinance shall be effective no earlier than July 1, 2009.

Enacted Number: 76-09
FINALLY PASSED

090226 **[Commercial Water Conservation Ordinance Amendments]** **Mayor, Supervisor Maxwell**

Ordinance amending Chapter 13A of the San Francisco Building Code to achieve water conservation by improving the water efficiency of commercial buildings by changing the standards for water closets, urinals, showerheads and faucet aerators and requiring leak repair, required upon the occurrence of major additions or improvements, and in all defined commercial buildings no later than January 1, 2017, authorizing an exemption to preserve historical integrity of the building, authorizing paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, providing that reasonable fees may be required to pay for the cost of implementing this Chapter, to be established by subsequent Board action, and providing that this ordinance shall be effective no earlier than July 1, 2009.

Enacted Number: 77-09
FINALLY PASSED

Recommendations of the Rules Committee

090354 **[Settlement of Lawsuit - State of California, Department of Alcohol and Drug Programs - $604,354]**

Ordinance authorizing settlement of the administrative action filed by the State of California, Department of Alcohol and Drug Programs against the City and County of San Francisco for $604,354; the administrative action was initiated on March 20, 2008, in the California Office of Administrative Hearings, Case Nos. SACPA 02/03-38 and 03/04-38, OAH No. 2008070346 entitled In the Matter of the Audit of the City and County of San Francisco, Substance Abuse and Crime Prevention Act. (City Attorney)

Enacted Number: 79-09
FINALLY PASSED

090385 **[Settlement of Lawsuit - Robert Cruz and Darwin Dias - $92,000]**

Ordinance authorizing settlement of the lawsuit filed by Robert Cruz and Darwin Dias against the City and County of San Francisco for $92,000; the lawsuit was filed on January 14, 2008, in the United States District Court, Northern District of California, Case No 08-0244; entitled Robert Cruz, et al. v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 78-09
FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Subcommittee Without Recommendation

090093 **[Solar Energy Agreements with Recurrent Energy]** **Mayor, Supervisors Chu, Dufty, Alioto-Pier, Mar**

Ordinance approving a 25-Year Power Purchase Agreement and Site Lease Agreement with RE-SFCITY1, LP (Recurrent), a wholly owned subsidiary of Recurrent Energy, to finance, construct, own, operate, and maintain a solar photovoltaic power plant on the rooftop of the North Storage Basin Reservoir and certain adjacent land on the Sunset Reservoir property located at the intersection of 24th Avenue and Ortega Street, San Francisco, and to sell all electricity generated by the project to the City acting through its Public Utilities Commission

(Fiscal Impact.) (Supervisor Campos dissented in Committee.)

Supervisor Chu, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Amended, Page 4, Lines 2-9, by adding "The guaranteed maximum PPA cost is $60,218,619. The PUC shall not less than annually provide to the Board of Supervisors a report on the administration of the PPA and the lease. The report shall include, without limitation, the following information: (i) the progress of construction of the solar facility; (ii) the amount of energy produced by the facility; (iii) funds expended under the lease and PPA; (iv) material disputes under the lease and/or PPA; (v) other matters deemed relevant by PUC."

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

Amending, Page 4, Line 21 through Page 5, Line 3.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Ordinance be AMENDED. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell

Amending, Page 6, Line 10.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Ordinance be AMENDED. The motion FAILED by the following vote:

Ayes: 4 - Campos, Chiu, Daly, Mirkarimi
Noes: 7 - Alioto-Pier, Avalos, Chu, Dufty, Elsbernd, Mar, Maxwell

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

090076 **[Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]** **Supervisor Avalos**

Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of $250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; amending Section 80.8 to clarify that the Blight Abatement Fund is a Category Six special fund within the meaning of Administrative Code Title XIII, Section 10.100-1; and making environmental findings. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090287 **[State Video Franchise Holders]** **Supervisors Mirkarimi, Daly, Avalos**

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1 and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1 and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

(Supervisor Chu dissented in Committee.)

Supervisor Daly requested to be added as a co-sponsor.

Continued to May 19, 2009.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Campos, Daly, Mar, Mirkarimi

090356 [Agreement to Sell the Dolores Hotel Located at 35-37 Woodward Street] Supervisor Daly

Resolution approving and authorizing the execution and performance of an Agreement For Sale of Real Estate relating to the property commonly known as the Dolores Hotel and located at 35-37 Woodward Street; adopting findings that the sale is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property and the Director of the Mayor's Office of Housing to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

(Fiscal Impact.)

Supervisor Daly requested to be added as sponsor.

Enacted Number: 178-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

080322 [Prohibition on loitering outside nightclubs] Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Police Code by adding Section 121, to prohibit loitering outside nightclubs.

Amended, Page 2, Line 20, deleting "misdemeanor."

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Recommendations of the Government Audit and Oversight Committee

Supervisor Chu Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to excuse Supervisor Chu from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Chu

090286 [Amending provisions of Chapter 18 of the Administrative Code to specify enforcement and consolidate reporting requirements] Supervisor Mirkarimi

Ordinance adopting and implementing amendments to Secs. 18.13-1 and 18.13-5 of the San Francisco Administrative Code.

Supervisor Chu moved to divide the question relating to "uniformed Fire Department employees" located on Page 1, Lines 21-23.

The question relating to the "uniformed Fire Department employees" was passed by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Absent: 1 - Campos

Excused: 1 - Chu

PASSED ON FIRST READING AS DIVIDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

081095 [Board of Supervisors response to the 2007-2008 Civil Grand Jury Report entitled "The homeless have homes, but they are still on the street"] Supervisor Mirkarimi

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "The homeless have homes, but they are still on the street."

Enacted Number: 181-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090210 [Zoning Map Amendment - 2400 Irving Street]

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco by amending Sheet ZN05 and Sheet SU05 to change the zoning classification of the northern portion of the property located at 2400 Irving Street, Block 1725, Assessor's Lot No. 053, from RH-2 (Residential House, Two-Family) to NC-2 (Small-Scale Neighborhood Commercial District) and include it within the Irving Street Restaurant & Fast Food Restricted Use SUD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090469 **[Green Building Ordinance - Finding of Cost Effectiveness and Energy Savings]** **Mayor**

Resolution adopting a finding by the Board of Supervisors, required by State law, that the City's Green Building Ordinance (Chapter 13C of the San Francisco Building Code) is cost effective and will save more energy than the 2008 California Building Efficiency Standards that will go into effect throughout the State of California on August 1, 2009, and directing the Department of Building Inspection or other appropriate City staff to cause the Green Building Ordinance, this resolution, and the supporting study to be transmitted to the California Energy Commission for its review and re-approval.

Enacted Number: 172-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented Certificates of Honor to Amanda Narvaez, Blanca Velasquez, and Beatriz Yepez in recognition of their contributions at the Mission Neighborhood Center.

COMMITTEE REPORTS

090329 **[Recreation and Park Department - Sharp Park]** **Supervisors Mirkarimi, Daly, Campos, Avalos**

Ordinance amending San Francisco Park Code Article 3 by adding Section 3.20, to require the Recreation and Park Department to develop a plan, schedule and budget for restoring Sharp Park habitat for the California red-legged frog and the San Francisco garter snake in conformance with the requirements of the Endangered Species Act, and transferring Sharp Park to, or developing a joint management agreement with, the Golden Gate National Recreation Area and making environmental findings.

(Fiscal Impact.)

Amended, page 1, Line 21, changing date to "July 31." Amended, Page 2, Lines 5-7, adding "(b) No later than August 31, 2009, the Department shall provide to the Clerk of the Board of Supervisors a report detailing the steps taken, and the progress made, to achieve the goals set forth in subsection (a), above."

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Amended, Page 2, Line 1, adding "and the City of Pacifica and/or County of San Mateo."

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisors Daly and Campos requested to be added as co-sponsors.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed concerns with various issues.

James Chaffee; expressed concern with issues relating to the SF Public Library.

Walter; shared in song certain issues with the Board.

Female Speaker; expressed concern with issues relating to public process.

Mandy Webster; Male Speaker; Sharame Clark; Jonathon Frewert; Male Speaker; Gilbert; Denise Dorie; Albert Blaze; John Martinelli; and Cathleen; all expressed concern with issues relating to raids on medical cannabis dispensaries.

Shawna Goker; expressed concern with issues relating drug policy reform.

Jackie Sacks; expressed concern with issues relating to bus rapid transit.

Jean Biggins; expressed support for John Ross Day.

Francisco Da Costa; expressed concerns with issues relating to radiological waste.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090528 **[Declaring May 12, 2009, as John Ross Day]** **Supervisors Avalos, Daly, Campos**

Resolution commending John Ross for his service to San Francisco over the past 45 years as a writer, poet, journalist, speaker, teacher, and community organizer, and declaring May 12, 2009, to be John Ross Day.

Supervisors Daly and Campos requested to be added as co-sponsors.

Enacted Number: 183-09

ADOPTED

090530 **[Municipal Clerks Week - May 3-9, 2009]** **Supervisors Chiu, Alioto-Pier, Avalos, Campos, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi**

Resolution declaring May 3-9, 2009, as Municipal Clerks Week in the City and County of San Francisco, hereby recognizing the vital services performed by Municipal Clerks and especially by the City and County of San Francisco Board of Supervisors Clerk of the Board, Angela Calvillo, and her staff.

Enacted Number: 173-09

ADOPTED

090531 **[Declaring May 2009 as Hepatitis B Awareness Month]** **Supervisors Chiu, Alioto-Pier, Chu, Maxwell, Campos**

Resolution declaring May 2009 as Hepatitis B awareness month in San Francisco, with the goal of holding at least one Hepatitis B awareness or prevention event every day of the month; build on continuing efforts by the San Francisco community to make San Francisco the first city in America to be free of Hepatitis B disease; encouraging all San Francisco residents to know their own Hepatitis B status.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 177-09

ADOPTED

090532 **[Supporting Senate Bill 782, Residential tenancies: domestic violence]** **Supervisors Chu, Campos, Chiu**

Resolution supporting Senate Bill 782 to provide stable, safe housing for victims of domestic violence, sexual assault or stalking.

Supervisors Campos and Chiu requested to be added as co-sponsors.

Enacted Number: 175-09

ADOPTED

090533 **[Urging Golden Gate National Recreation Area (GGNRA) to consider needs of Ocean Beach]** **Supervisors Chu, Mar, Elsbernd, Campos**

Resolution urging the Golden Gate National Recreation Area (GGNRA) to consider needs of Ocean Beach when allocating $16.1 million it has received in American Recovery and Reinvestment Act funds as well as future allotments of Federal funding.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 184-09

ADOPTED

090534 **[Mortgage Revenue Bonds]** **Supervisors Daly, Campos**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $12,000,000 for Arlington Residence; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $60,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $12,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 174-09

ADOPTED

090536 **[Commending Chris Ellen Montgomery on her 25 years of service to the City and County of San Francisco]** **Supervisors Dufty, Campos**

Resolution commending Chris Ellen Montgomery for her 25 years of exceptional service to the City and County of San Francisco and the Department of Public Works.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 180-09

ADOPTED

090537 **[Endorsing San Francisco's inclusion in the "Healthy Purchase Pilot Program"]** **Supervisors Maxwell, Campos**

Resolution endorsing and supporting San Francisco's inclusion in the California Department of Public Health's "Healthy Purchase Pilot Program."

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 176-09

ADOPTED

090529 **[Waiver permitting City Employees to Assist the Department of Elections with the May 19, 2009, special statewide election]** **Supervisor Chiu**

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5. to permit City employees to assist the Department of Elections with the May 19, 2009, special statewide election.

Enacted Number: M09-84

APPROVED

090255 **[Final Map - 274 6th Avenue]**

Motion approving Final Map 5370, a 2 Lot Subdivision and 3 Residential Unit Condominium Project, located at 274 6th Avenue being a subdivision of Lot 027 in Assessors Block No. 1428 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,149; District 1.)

Enacted Number: M09-85

APPROVED

090437 **[Final Map - 1500 Sutter Street]**

Motion approving Final Map 4156, a 65 Commercial Unit Condominium Project, located at 1500 Sutter Street being a subdivision of Lot 005 in Assessors Block No. 0673 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

(DPW Order 178,141; District 5.)

Enacted Number: M09-86

APPROVED

090438 **[Final Map - 2235 Mission Street]**

Motion approving Final Map 4706, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 2235 Mission Street being a subdivision of Lot 031 in Assessors Block No. 3590 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,142; District 9.)

Enacted Number: M09-87

APPROVED

090494 **[Final Map - 335 Berry Street]**

Motion approving Final Map 4328, a one-lot subdivision for condominium purposes, being a 67-unit residential condominium project of Lot 4 in Assessors Block No. 8707, located at 335 Berry Street, and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,112; District 6.)

Enacted Number: M09-88

APPROVED

090495 **[Final Map - 330 Berry Street]**

Motion approving Final Map 4329, a one-lot subdivision for condominium purposes, being a 64-unit residential condominium project of Lot 5 in Assessors Block No. 8704, located at 330 Berry Street, and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,113; District 6.)

Enacted Number: M09-89

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that these matters be severed so that they might be considered separately.

090482 **[Opposing Proposition 1D on the May 19, 2009, Statewide Special Election]** **Supervisors Avalos, Mar, Campos, Daly**

Resolution opposing Proposition 1D on the May 19, 2009, Statewide Special Election.

Supervisor Elsbernd, seconded by Supervisor Avalos, moved to waive Board of Supervisors Rules of Order 2.11 (Committee Reference). The motion passed without objection.

Supervisors Campos and Daly requested to be added as co-sponsors.

Enacted Number: 171-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

090486 **[Drug Enforcement Administration (DEA) raids on medical cannabis dispensaries]** **Supervisors Campos, Mirkarimi, Mar, Avalos, Daly**

Resolution urging a cessation of recent Drug Enforcement Administration raids on medical cannabis dispensaries.

Supervisor Elsbernd, seconded by Supervisor Avalos, moved to waive Board of Supervisors Rules of Order 2.11 (Committee Reference). The motion passed without objection.

Supervisors Campos and Daly requested to be added as co-sponsors.

Enacted Number: 182-09

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

Supervisor Dufty requested that this matter be severed so that it may be considered separately.

090535 **[Declaring Van Ness Avenue and Geary Boulevard Bus Rapid Transits as San Francisco's Top Federal Small Starts Funding Priority]** **Supervisors Dufty, Mar, Mirkarimi, Daly**

Resolution declaring Van Ness Avenue Bus Rapid Transit and Geary Boulevard Bus Rapid Transit as San Francisco's top and sole priorities for Federal Small Starts Funding.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution declaring Van Ness Avenue Bus Rapid Transit and Geary Boulevard Bus Rapid Transit as San Francisco's top priority for Federal Small Starts Funding.

Supervisor Daly requested to be added as a co-sponsor.

Continued to May 12, 2009.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

[Serious Injury Finding] Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Mar, seconded by Supervisor Campos, moved ADOPTION of the Serious Injury finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding] Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mar, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090545 **[Concurring in Declaration of Emergency]** **Mayor, Supervisor Chiu**

Motion concurring in the April 30, 2009, declaration of local emergency by the Mayor, and in the actions the declaration of emergency authorizes the City and its officers and employees to take to meet the emergency.

Enacted Number: M09-83

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090538 **[Appropriating $818,844 of available fund balance for code enforcement activities in the Department of Building Inspection for Fiscal Year 2008-2009]** **Supervisors Chiu, Avalos, Campos, Daly**

Ordinance appropriating $738,240 of Code Enforcement Rehabilitation Fund unappropriated fund balance and deappropriating $80,604 of prior year appropriations to support code enforcement activities in the Building Inspection Operating Fund and Repair and Demolition fund in the Department of Building Inspection for Fiscal Year 2008-2009.

(Fiscal Impact.)

5/5/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090540 **[Annual Appropriation Ordinance for Selected Departments, as of May 1, 2009, Fiscal Year ending June 30, 2010]**

Ordinance appropriating all estimated receipts and all estimated expenditures for Selected Departments of the City and County of San Francisco as of May 1, 2009, for the Fiscal Year ending June 30, 2010. (Mayor)

(Fiscal Impact.)

5/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090541 **[Proposed Annual Salary Ordinance for Selected Departments, Fiscal Year ending June 30, 2010]**

Proposed Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for Selected Departments of the City and County of San Francisco for the Fiscal Year ending June 30, 2010. (Mayor)

(Fiscal Impact.)

5/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090543 **[Revising Board of Appeals Filing Fees]**

Ordinance amending Article 1, Section 8, of the San Francisco Business and Tax Regulations Code, to increase specified Board of Appeals filing fees, to make technical corrections, and making environmental findings. (Mayor)

5/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090544 **[Revising Board of Appeals Surcharges]**

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings. (Mayor)

5/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090546 **[Appropriating $119,800,000 of proceeds from debt for wastewater system improvements at the Public Utilities Commission for Fiscal Year 2008-2009]** **Mayor**

Ordinance appropriating $119,800,000 of proceeds from debt revenue for the Wastewater Enterprises' Interim Capital Improvement Program and the Sewer System Master Plan Biosolids/Digester and Channel Tunnel Projects at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009 and placing $78,800,000 on Controller's reserve pending of the sale of bonds.

(Fiscal Impact.)

5/5/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090548 **[Appropriating $58,747,600 of capital lease revenue for the Advanced Meter Infrastructure Project at the Public Utilities Commission for Fiscal Year 2008-2009]** **Mayor, Supervisor Dufty**

Ordinance appropriating $58,747,600 of capital lease revenue for the Water Enterprises' Advanced Meter Infrastructure Project and the reimbursement of previously appropriated Water Enterprise Revenues for the same project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009 and placing the entire appropriation on Controller's reserve pending receipt of the funds.

(Fiscal Impact)

5/5/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090554 **[Building Code - Registration of Vacant/Abandoned Buildings; Annual Fee and Penalties for Violation]** **Supervisors Chiu, Dufty**

Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building in good condition, and provide that a property in violation of the requirements is a public nuisance, and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings

5/5/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/4/2009

090555 **[Amendments to the Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area]** **Supervisor Daly**

Ordinance amending the San Francisco Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area, making it a misdemeanor to moor or anchor a vessel in Clipper Cove without a valid permit issued by the Treasure Island Development Authority ("TIDA"), or its designee, and allowing TIDA to remove and store vessels moored in violation of this Ordinance.

5/5/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/4/2009.

090026 **[Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building; amending the Planning Code by adding Section 359 to provide that a requirement to pay a development impact fee prior to issuance of a certificate of occupancy shall include payment of the fee prior to issuance of an amended certificate of occupancy

1/13/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2009.

1/15/09, REFERRED TO DEPARTMENT. Referred to Building Inspection Commission for review and comment; referred to Planning Department for environmental review.

1/26/09, RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060(c)(2).

5/5/09, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

5/5/09, ASSIGNED to Land Use and Economic Development Committee.

Resolutions

090542 **[Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved for Enterprise Departments]**

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: employee and public parking management services, information booth services, security services, and shuttle bus services (Airport); paratransit services, security services, parking citation and collection, janitorial - various facilities, meter collection and coin counting, towing services, and transit shelter maintenance services (MTA); janitorial and security services (Port). (Mayor)

5/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090549 **[Accept and Expend - State of California CalHome Grant - Fiscal Year 2009]** **Mayor**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the California Department of Housing and Community Development (HCD) in a total amount not to exceed $1,500,000 to assist low income first time homebuyers and low income homeowners.

5/5/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090550 **[Authorizing submittal of application for Transit Oriented Development (TOD) Funds]** **Mayor, Supervisor Dufty**

Resolution authorizing the submittal of an application by the Mayor's Office of Housing to the California State Department of Housing and Community Development for funding under the Transit Oriented Development (TOD) housing program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the Transit Oriented Development (TOD) housing program.

5/5/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090556 **[Amendment to the City's contract with Office Depot to increase the dollar amount by more than $500,000]** **Supervisor Dufty**

Resolution approving the Seventh Amendment to the Agreement between the City and Office Depot (Contractor) for office supplies, increasing the contract's dollar amount to $20,035,000 pursuant to Charter Section 9.118(b).

(Fiscal Impact.)

5/5/09, RECEIVED AND ASSIGNED to Budget and Finance Subcommittee

090557 **[Multi-year permit for the use of certain portions of Golden Gate Park for a three-day music festival]** **Supervisor Mar**

Resolution authorizing and approving the execution, delivery and performance of a Permit to Another Planet Entertainment for the use of certain portions of Golden Gate Park for an annual three-day music festival for a term of three (3) years plus an additional two (2) year option; and adopting environmental findings and findings that the Permit is consistent with the City's General Plan and the eight priority policies of Planning Code Section 101.1.

5/5/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090559 **[Authorization for designated City and County officials to obtain federal financial assistance provided by the Department of Homeland Security]** **Supervisor Alioto-Pier**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the law of the State of California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California, including the following grants: Emergency Management Performance Grant, Hazard Mitigation Grant, Pre-Disaster Mitigation Grant, and Emergency Operations Center Grant.

5/5/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090560 **[Proclaiming May 17-23, 2009, as Public Works Week in San Francisco]** **Supervisors Chiu, Dufty**

Resolution declaring May 17-23, 2009, as Public Works Week in San Francisco; acknowledging that the San Francisco Department of Public Works is an integral part of the community and has produced significant achievements; encouraging all San Francisco residents and businesses to work in collaboration with the department

5/5/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090561 **[Issuance and Sale of Revenue Bonds - 178 Townsend Street Housing Project]** **Supervisor Daly**

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments for Nonprofit Corporations in an aggregate principal amount not to exceed $30,000,000 for financing the rehabilitation of a housing project located at 178 Townsend Street, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

5/5/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090562 **[Richmond/Senator Milton Marks Branch Library grand re-opening]** **Supervisors Mar, Campos, Elsbernd**

Resolution recognizing the grand re-opening of the Richmond/Senator Milton Marks Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

5/5/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090563 **[Commending Superior Court Judge John Dearman for his 31 years of distinguished service to the City and County of San Francisco]** **Supervisors Dufty, Maxwell, Campos**

Resolution commending Superior Court Judge John Dearman for his 31 years of distinguished service to the City and County of San Francisco.

5/5/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090564 **[Urging the Controller's Office to undertake a performance audit of the J Church Metro line]** **Supervisors Dufty, Avalos**

Resolution urging the Controller's Office to undertake a performance audit of the J Church Metro line.

5/5/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090405 **[Accept and Expend - Emergency Shelter Grants Program - $979,606]** **Mayor**

Resolution approving the fiscal year 2009/2010 Emergency Shelter Grant (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 Emergency Shelter Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $938,867 and to expend Reprogrammed Funds in the amount of $40,739.

(Fiscal Impact.)

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 05/26/09 - Ethics Form 126 filed with the Ethics Commission

5/5/09, SUBSTITUTED. Mayor Newsom submitted a substitute resolution bearing new title.

5/5/09, ASSIGNED to Budget and Finance Committee.

090406 **[Accept and Expend - HOME Program - $8,602,628]** **Mayor**

Resolution approving the fiscal year 2009/2010 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $8,602,628.

(Fiscal Impact.)

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

5/5/09, SUBSTITUTED. Mayor Newsom submitted a substitute resolution bearing new title.

5/5/09, ASSIGNED to Budget and Finance Committee.

090407 **[Accept and Expend - Community Development Block Grant (CDBG) - $23,072,426]** **Mayor**

Resolution approving the fiscal year 2009/2010 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $21,092,426 and to expend Program Income and Reprogrammed Funds in the amount of $1,980,000.

(Fiscal Impact.)

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 05/26/09 - Ethics Form 126 filed with the Ethics Commission

5/5/09, SUBSTITUTED. Mayor Newsom submitted a substitute resolution bearing new title.

5/5/09, ASSIGNED to Budget and Finance Committee.

Requests for Hearing

090539 **[Mayor's Proposed May Budget 2009-2010]**

Hearing to review the Mayor's Proposed May Budget 2009-2010. (Mayor)

(Fiscal Impact.)

5/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090551 **[April 2009 report by the Community Based Organizations (CBO) Task Force "Partnering with Nonprofits in Tough Times"]** **Supervisor Avalos**

Hearing on the April 2009 report produced by the Community Based Organizations (CBO) Task Force "Partnering with Nonprofits in Tough Times," which reviews, analyzes and outlines reform of Department of Public Health's (DPH) nonprofit relationships.

5/5/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090552 **[Public Utilities Commission Proposed Rates, Fees and Charges]** **Supervisor Avalos**

Hearing on the proposed water rate package, including proposed increases set to take effect on July 1, 2009.

5/5/09, RECEIVED AND ASSIGNED to Budget and Finance Subcommittee.

090553 **[Status of unsolved homicides in the City and County of San Francisco]** **Supervisor Campos**

Hearing and general discussion on the status of unsolved homicides in the City and County of San Francisco. The hearing shall include a presentation by the San Francisco Police Department (SFPD) on the number of unsolved homicides for at least the last five years. Without discussing the specifics of individual cases, the hearing shall include a general discussion and presentation on the SFPD's protocols and procedures regarding unsolved homicides, including, without limitation, SFPD's protocols and procedures when interacting with the families and loved ones of homicide victims.

5/5/09, RECEIVED AND ASSIGNED to Public Safety Committee.

Motions

090545 **[Concurring in Declaration of Emergency]** **Mayor, Supervisor Chiu**

Motion concurring in the April 30, 2009, declaration of local emergency by the Mayor, and in the actions the declaration of emergency authorizes the City and its officers and employees to take to meet the emergency.

5/5/09, APPROVED.

090565 **[Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]** **Supervisor Chiu**

Motion that the Board of Supervisors convene in closed session on May 12, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

5/5/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments

PROPOSED RESOLUTIONS

090479 **[Accept and Expend - U.S. Department of Housing and Urban Development Grant - $3,000,000]** **Mayor, Supervisor Dufty**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed $3,000,000.

4/21/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

4/30/09, TRANSFERRED to Budget and Finance Subcommittee.

Supervisor Dufty requested to be added as a co-sponsor.

090497 **[Appointments - Treasury Oversight Committee]**

Motion appointing Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom, and Richard Sullivan, terms ending June 5, 2013, to the Treasury Oversight Committee, residency requirement waived. (Treasurer-Tax Collector)

4/22/09, RECEIVED AND ASSIGNED to Rules Committee.

090498 **[Approval of a contract amendment with the University of the Pacific School of Dentistry in order to exercise a five year contract option to continue to provide dental services for residents**

Resolution authorizing the San Francisco Department of Public Health (DPH), to amend a contract in order to exercise a five year contract option with The University of the Pacific School of Dentistry for continued dental services at Laguna Honda Hospital for a new term of July 1, 2004, through June 30, 2014. (Public Health Department)

(Fiscal Impact.)

4/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090499 **[Ratification of increases to prior professional service contracts for health and behavioral health services]**

Resolution approving amendment to Resolution No. 702-06, which ratified prior professional service contracts for the San Francisco Department of Public Health for health and behavioral health services and approved three year extensions, to increase the total contract amounts and extend the terms of those contracts through December 31, 2010. (Public Health Department)

(Fiscal Impact.)

4/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Daly
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft an amendment to the Administrative Code that would prohibit City employees who affect governmental decisions from raising funds on behalf of organizations that make grants to City departments.

From: Supervisor Alioto-Pier
To: City Attorney
Requesting/Inquiring: Requesting a memo from the City Attorney's Office on whether the Board of Supervisors can transfer the Francisco Reservoir out of the jurisdiction of the Public Utilities Commission to another City department. The City and County of San Francisco acquired approximately 4 acres of land known as the Francisco Reservoir in 1930 from Spring Valley Water Company, which land is bordered by Hyde, Larkin and Bay Street and homes on Chestnut Street. The property under the jurisdiction of the Public Utilities Commission was transferred to its predecessor, the San Francisco Water Department for use as a reservoir without any payment to the City.

From: Supervisor Alioto-Pier
To: Director, Public Utilities Commission
Requesting/Inquiring: Inquiring to the PUC regarding the costs of removing the Francisco Reservoir so that it can be developed into a public recreation site, including any information on environmental concerns and possible toxins at the site and the cost of demolishing and removing the current Reservoir.

From: Supervisors Avalos, Campos, and Maxwell
To: Director, Public Utilities Commission
Requesting/Inquiring: Supervisors Avalos, Campos, and Maxwell are jointly requesting a report from the SFPUC on the criteria they use to prioritize neighborhood scale capital projects, including any point system that may be used to determine priority for infrastructure improvements on PUC and City property within the City and County of San Francisco such as requests for additional lighting installations and/or upgrades.

This inquiry is in connection to implementation of a framework for health impact mitigation efforts between DPH, SFMTA, and the local community as urged through BOS resolution #081397 "Health Protective Truck Route Planning in Southeast Neighborhoods" and the desire to develop health impact criteria within other targeted city agencies.

Please send your response attention to all three requesting Supervisors.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To:. Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes
Southeast corner Golden Gate & Scott
Southwest corner Stanyan and Haight
Northeast corner McAllister and Scott

Bus Shelters
Southwest corner Pierce & Haight
Southside of street at Haight & Buena Vista West
Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes
Southwest corner Golden Gate and Gough

In Memoriams

Michael Miller - Supervisor Campos

Edward F. McHugh - Supervisor Dufty

Michael Patrick O'Donnell - Supervisor Dufty

Dorothy Kays - Supervisor Elsbernd

Al Robles - Supervisors Mar, Chiu, Daly, Avalos

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:25 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 2, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
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May 12, 2009

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES

Tuesday, May 12, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting
Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of April 14, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendation of the Budget and Finance Subcommittee

090076 **[Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]** **Supervisor Avalos**

Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of $250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; amending Section 80.8 to clarify that the Blight Abatement Fund is a Category Six special fund within the meaning of Administrative Code Title XIII, Section 10.100-1; and making environmental findings. (Public Works Department)

Enacted Number: 82-09

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

090210 **[Zoning Map Amendment - 2400 Irving Street]**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco by amending Sheet ZN05 and Sheet SU05 to change the zoning classification of the northern portion of the property located at 2400 Irving Street, Block 1725, Assessor's Lot No. 053, from RH-2 (Residential House, Two-Family) to NC-2 (Small-Scale Neighborhood Commercial District) and include it within the Irving Street Restaurant & Fast Food Restricted Use SUD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

Enacted Number: 83-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Subcommittee Without Recommendation

090093 **[Solar Energy Agreements with Recurrent Energy]** **Mayor, Supervisors Chu, Dufty, Alioto-Pier, Mar**

Ordinance approving a 25-Year Power Purchase Agreement and Site Lease Agreement with RE-SFCITY1, LP (Recurrent), a wholly owned subsidiary of Recurrent Energy, to finance, construct, own, operate, and maintain a solar photovoltaic power plant on the rooftop of the North Storage Basin Reservoir and certain adjacent land on the Sunset Reservoir property located at the intersection of 24th Avenue and Ortega Street, San Francisco, and to sell all electricity generated by the project to the City acting through its Public Utilities Commission.

(Fiscal Impact.) (Supervisor Campos dissented in Committee.)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell

FINALLY PASSED by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

080322 **[Prohibition on loitering outside nightclubs]** **Mayor, Supervisors Maxwell, Dufty**

Ordinance amending the San Francisco Police Code by adding Section 121, to prohibit loitering outside nightclubs.

Supervisor Dufty requested to be added as a co-sponsor.

Enacted Number: 86-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Recommendations of the Government Audit and Oversight Committee

Supervisor Chu Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to excuse Supervisor Chu from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Chu

090286 **[Amending provisions of Chapter 18 of the Administrative Code to specify enforcement and consolidate reporting requirements]** **Supervisor Mirkarimi**

Ordinance adopting and implementing amendments to Secs. 18.13-1 and 18.13-5 of the San Francisco Administrative Code.

Supervisor Elsbernd moved to divide the question relating to "uniformed Fire Department employees" located on Page 1, Lines 21-23.

The question relating to the "uniformed Fire Department employees" was passed by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Chu

Enacted Number: 84-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090329 **[Recreation and Park Department - Sharp Park]** **Supervisors Mirkarimi, Daly, Campos, Avalos**

Ordinance amending San Francisco Park Code Article 3 by adding Section 3.20, to require the Recreation and Park Department to develop a plan, schedule and budget for restoring Sharp Park habitat for the California red-legged frog and the San Francisco garter snake in conformance with the requirements of the Endangered Species Act, and transferring Sharp Park to, or developing a joint management agreement with, the Golden Gate National Recreation Area and making environmental findings.

(Fiscal Impact.)

Supervisor Avalos requested to be added as a co-sponsor.

Enacted Number: 85-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Supervisor Chu Excused from Voting

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor Chu from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Chu

090285 **[Adoption of Board of Supervisors 2009 Budget Process and Policy Priorities]** **Supervisors Mirkarimi, Avalos**

Resolution adopting the San Francisco Board of Supervisors' 2009 Budget Process and Policy Priorities.

(Supervisor Chu dissented in Committee.)

Joanne Hayes-White, Fire Chief, provided an update on the Fire Department and responded to questions raised throughout the discussion.

Supervisor Dufty moved to divide the question relating to "Increase regular work time for firefighters, or schedule 'rolling brownouts' of fire stations" located on attachment Section I, No. 5.

The question relating to "Increase regular work time for firefighters, or schedule 'rolling brownouts' of fire stations" was passed by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Dufty, Elsbernd

Excused: 1 - Chu

Enacted Number: 187-09

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090476 **[Rejecting the FY 2009-2010 Municipal Transportation Agency (MTA) Budget]** **Supervisors Chiu, Campos, Mirkarimi, Mar, Daly, Avalos, Maxwell**

Motion rejecting the Municipal Transportation Agency's (MTA) proposed FY 2009-2010 budget.

(Fiscal Impact.) (Supervisor Chu dissented in Committee.)

Nathaniel Ford, MTA Executive Director/Chief Executive Officer, provided an update on the MTA budget and associated savings and responded to questions raised throughout the discussion.

Supervisor Chiu, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

Recommendations of the Budget and Finance Subcommittee

090328 **[Eligibility Criteria for Community Living Fund]** **Supervisors Mirkarimi, Mar, Avalos**

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-12, to establish a pilot program using the Elder Economic Security Index Fund as a factor for determining eligibility for the Community Living Fund.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090386 **[Approval of Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - $18,250,293.80]**

Resolution approving Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 30-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, delete special tools that are no longer needed, and purchase training modules, at an additional cost of $1,075,524 for a total contract amount not to exceed $18,250,293.80. (Municipal Transportation Agency)

(Fiscal Impact.)

Enacted Number: 185-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090387 **[Approval of Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - $32,223,133.25]**

Resolution approving Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 40-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, at an additional cost of $2,520,000 for a total contract amount not to exceed $32,223,133.25. (Municipal Transportation Agency)

(Fiscal Impact.)

Enacted Number: 186-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090370 **[Amending PG&E Energy Conservation Revenue Contract]** **Mayor**

Resolution authorizing the Department of the Environment to amend a revenue contract with Pacific Gas and Electric Company ("PG&E") to add up to $3,700,000 and to further amend such contract up to an additional $3,000,000 to continue the Partnership Program between PG&E and the City and County of San Francisco for the Energy Use and Demand Reduction through Energy Efficiency Program.

(Fiscal Impact.)

Enacted Number: 188-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090479 **[Accept and Expend - U.S. Department of Housing and Urban Development Grant - $3,000,000]** **Mayor, Supervisor Dufty**

Resolution authorizing the Mayor of the City and County of San Francisco to retroactively accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed $3,000,000.

Enacted Number: 189-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Avalos, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to John Ross in recognition of his accomplishments as a journalist and his continued community activism.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Lizzie Brown Jeremi in recognition of her 35 years of service at Marshall Elementary School upon her retirement.

SPECIAL ORDER 4:00 P.M.

090109 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

The President inquired as to whether any member of the public wished to address the Board members. There were none.

The President declared the public hearing closed.

Continued to July 7, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090110 **[Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to July 7, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090111 **[Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to July 7, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090112 **[Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

Continued to July 7, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

090526 **[Waiver of temporary street space occupancy fee on May 16, 2009, for Small Business Week Sidewalk Sale]** Mayor, Supervisor Dufty

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 16, 2009, as part of Small Business Week.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 2 - Campos, Chu

Supervisor Chu, seconded by Supervisor Maxwell, moved to rescind the previous vote. The motion to rescind the previous vote passed without objection.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090504 **[Reappointment, Arts Commission - Cass Calder Smith]**

Motion approving the Mayor's reappointment of Cass Calder Smith to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - April 14, 2009.)

Enacted Number: M09-96

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

090506 **[Reappointment, Arts Commission - John Calloway]**

Motion approving the Mayor's reappointment of John Calloway to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - April 14, 2009.)

Enacted Number: M09-95

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

090508 **[Appointment, Arts Commission - Amy Chuang]**

Motion approving the Mayor's appointment of Amy Chuang to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - April 14, 2009.)

Enacted Number: M09-94

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

090510 **[Appointment, Arts Commission - Leo Chow]**

Motion approving the Mayor's appointment of Leo Chow to the Arts Commission for the term ending January 15, 2011.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - April 14, 2009.)

Enacted Number: M09-93

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

090512 **[Reappointment, Retirement Systems Board - Richard Peterson, Jr.]** **Supervisor Elsbernd**

Motion approving the Mayor's reappointment of Richard Peterson, Jr. to the Retirement Systems Board for the term ending February 20, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - April 14, 2009.)

Supervisor Elsbernd requested to be added as sponsor.

Enacted Number: M09-92

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090514 **[Appointment, Commission on the Status of Women - Julie Soo]**

Motion approving the Mayor's appointment of Julie Soo to the Commission on the Status of Women for the term ending April 13, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - April 14, 2009.)

Enacted Number: M09-91

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed concern with issues relating to peace in the Middle East.

James Chaffee; expressed concern with issues relating to the SF Public Library.

Michael Barrett; expressed concern with issues relating to MUNI proof of payment.

Jean Cohen; Martino Molina; expressed concern with issues relating to social service programs and potential State budget cuts.

Louise Vaughn; expressed concern with issues relating to homeowners bailout.

Wendy Bolker; Female Speaker; Heather Young; Robin Cropp; expressed concern with issues relating to lyme disease.

John DiDonna; expressed concern with issues relating to guns.

Paul Weston; expressed concern with issues relating to St. Vincent de Paul's negligence.

Merle Lawrence; expressed concern with issues relating to budget.

Male Speaker; expressed concern with issues relating to bus service cuts.

Male Speaker; expressed concern with issues relating to the Rockefellers.

Male Speaker; expressed concern with issues relating to Prop A and budget problems.

Paulette Brown; expressed concern with issues relating to human services and solving child homicides and violence in the community.

Male Speaker; expressed concern with issues relating to public process and Western Addition budget.

CLOSED SESSION

090566 **[Closed Session - Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]** **Supervisor Chiu**

Motion that the Board of Supervisors convene in closed session on May 12, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

APPROVED.

The Board recessed at the hour of 4:54 p.m. to convene in closed session pursuant to the above motion

The following Supervisors were noted present:

Supervisors Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Persons in attendance:

Cheryl Adams, Deputy City Attorney

Micki Callahan, Director of Department of Human Resources

Martin Gran, Director of Employee Relations

Ben Rosenfield, Controller

Angela Calvillo, Clerk of the Board

Rick Caldeira, Legislative Deputy Director

Reconvening of the Board

The following Supervisors were noted present:

Supervisors Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The Board at the hour of 5:20 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose] Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Dufty, seconded by Supervisor Campos, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090565 **[Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]** **Supervisor Chiu**

Motion that the Board of Supervisors convene in closed session on May 12, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

Enacted Number: M09-90

APPROVED

090535 **[Declaring Van Ness Avenue and Geary Boulevard Bus Rapid Transits as San Francisco's Top Federal Small Starts Funding Priority]** **Supervisors Dufty, Mar, Mirkarimi, Daly**

Resolution declaring Van Ness Avenue Bus Rapid Transit and Geary Boulevard Bus Rapid Transit as San Francisco's top priority for Federal Small Starts Funding.

Enacted Number: 190-09

ADOPTED

090560 **[Proclaiming May 17-23, 2009, as Public Works Week in San Francisco]** **Supervisors Chiu, Dufty**

Resolution declaring May 17-23, 2009, as Public Works Week in San Francisco; acknowledging that the San Francisco Department of Public Works is an integral part of the community and has produced significant achievements; encouraging all San Francisco residents and businesses to work in collaboration with the department.

Enacted Number: 191-09

ADOPTED

090561 **[Issuance and Sale of Revenue Bonds - 178 Townsend Street Housing Project]** **Supervisor Daly**

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments for Nonprofit Corporations in an aggregate principal amount not to exceed $30,000,000 for financing the rehabilitation of a housing project located at 178 Townsend Street, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

Enacted Number: 192-09

ADOPTED

090562 **[Richmond/Senator Milton Marks Branch Library grand re-opening]** **Supervisors Mar, Campos, Elsbernd**

Resolution recognizing the grand re-opening of the Richmond/Senator Milton Marks Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

Supervisors Campos and Elsbernd requested to be added as co-sponsors.

Enacted Number: 193-09

ADOPTED

090563 **[Commending Superior Court Judge John Dearman for his 31 years of distinguished service to the City and County of San Francisco]** **Supervisors Dufty, Maxwell, Campos**

Resolution commending Superior Court Judge John Dearman for his 31 years of distinguished service to the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 194-09

ADOPTED

090564 **[Urging the Controller's Office to undertake a performance audit of the J Church Metro line]** **Supervisors Dufty, Avalos**

Resolution urging the Controller's Office to undertake a performance audit of the J Church Metro line.

Enacted Number: 195-09

ADOPTED

090559 **[Authorization for designated City and County officials to obtain federal financial assistance provided by the Department of Homeland Security]** **Supervisor Alioto-Pier**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the law of the State of California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California, including the following grants: Emergency Management Performance Grant, Hazard Mitigation Grant, Pre-Disaster Mitigation Grant, and Emergency Operations Center Grant.

Enacted Number: 196-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to rescind the previous vote. The motion to rescind the previous vote passed without objection.

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090583 **[Just cause eviction protections for residential tenants, extend to non-rent controlled units]** **Supervisor Avalos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37. 3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (i.e., most residential rental units with a certificate of occupancy issued after June 13, 1979); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units.

5/12/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/11/2009.

090584 **[Requiring Lighting Efficiency Measures in Commercial and City Buildings]** **Supervisor Dufty**

Ordinance amending the San Francisco Building Code by adding a new Chapter 13D to require commercial buildings to increase efficiency of fluorescent lighting by 2011; amending Section 705 of the Environment Code to require City-owned facilities to increase efficiency of fluorescent lighting; adopting findings required by California Health and Safety Code Section 17958.7 and environmental findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

5/12/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/11/2009.

090585 **[Safe Streets and Road Repair General Obligation Bond Election - $368,000,000]** **Mayor, Supervisors Chiu, Dufty, Mar, Alioto-Pier, Campos**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 3rd 2009, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $368,000,000 to finance the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and Countyand will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act, ("CEQA"); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

5/12/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090587 **[Appropriating $14,152,000 to support cost overruns at San Francisco General and Laguna Honda Hospitals in the Department of Public Health for Fiscal Year 2008-2009]** **Mayor**

Ordinance appropriating $14,152,000, including $12,051,000 from surplus hospital revenues at San Francisco General Hospital, $1,891,000 from surplus Department of Public Health General Fund revenues, and $210,000 from surplus hospital revenues at Laguna Honda Hospital, for cost overruns at San Francisco General Hospital and Laguna Honda Hospital in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

5/12/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090588 **[Building Code - fee adjustment]** **Mayor, Supervisor Chiu**

Ordinance amending the Building Code to amend various sections and fee schedule tables concerning fees, permits requirements and terms, inspections, and other actions; and adopting environmental findings.

5/12/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090589 **[Electrical Code - permit expiration]** **Mayor, Supervisor Chiu**

Ordinance amending Electrical Code Section 89.1.22 concerning permit expiration and partial refund of fees.

5/12/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090590 **[Plumbing Code - permit expiration]** **Mayor, Supervisor Chiu**

Ordinance amending Plumbing Code Section 103.3.4.1 concerning permit expiration and partial refund of fees.

5/12/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

090568 **[Resolution of Intention to form the Excelsior Community Benefit District]** **Supervisor Avalos**

Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Excelsior Community Benefit District" and levy a multi-year assessment on identified parcels in the district, (2) approving the management district plan and engineer's report and proposed boundaries map for the district, (3) ordering and setting a time and place for a public hearing thereon, (4) approving the form of the Notice of Public Hearing and Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

5/12/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090569 **[Resolution of Intention to renew the Union Square Business Improvement District, to be known as the Greater Union Square Business Improvement District]** **Supervisor Chiu**

Resolution (1) declaring the intention of the Board of Supervisors to renew the property-based Union Square business improvement district, to be known as the "Greater Union Square Business Improvement District," and to levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

5/12/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090586 **[Safe Streets and Road Repair General Obligation Bonds]** **Mayor, Supervisors Chiu, Dufty, Mar, Alioto-Pier, Campos**

Resolution determining and declaring that the public interest and necessity demand the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $368,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that the proposed bond is not a project under the California Environmental Quality Act, ("CEQA"); finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code section 2.34.

(Fiscal Impact.)

5/12/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090591 **[Lyme Disease Awareness Month - May 2009]** **Supervisors Alioto-Pier, Dufty, Campos**

Resolution declaring May 2009 as Lyme Disease Awareness Month.

5/12/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090592 **[Opposing the elimination of the State Department of Boating and Waterways]** **Supervisor Alioto-Pier**

Resolution opposing Governor Arnold Schwarzenegger's proposed elimination of the California Department of Boating and Waterways (DBW).

5/12/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090593 **[Commending Community Behavioral Health Services (CBHS)]** **Supervisors Avalos, Campos**

Resolution commending Community Behavioral Health Services (CBHS) on its exemplary work implementing the Mental Health Services Act (MHSA).

5/12/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090594 **[Supporting recognition of married same-sex couples in the 2010 Census]** **Mayor, Supervisors Dufty, Mirkarimi, Mar, Elsbernd, Campos, Alioto-Pier, Chiu, Avalos**

Resolution calling for the recognition of legally married same-sex couples in the 2010 Census and for federal agencies to include lesbian, gay, bisexual and transgender individuals in all federal surveys and data collection.

5/12/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

090580 **[Assessment of City's overall victims' assistance, witness protection and trauma recovery services]** **Supervisor Avalos**

Hearing request on assessment of City's overall victims' assistance, witness protection and trauma recovery services, including assessment of service coverage and gaps as well as overall coordination of victims' and trauma recovery services.

5/12/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090581 **[San Francisco Unified School District's policies to make college a more viable option for every student]** **Supervisor Elsbernd**

Hearing on the San Francisco Unified School District's policies designed to make college a more viable option for every student. The hearing will examine efforts to align the District's graduation requirements with the A-G course sequence, which is required for admission to California public universities. The hearing will address the district's efforts to meet these expectations, particularly with respect to learning support, professional development, and the realignment of resources.

5/12/09, RECEIVED AND ASSIGNED to City and School District Select Committee.

090582 **[Civil Grand Jury Report entitled "The Numbers Have Something to Say, Is Anybody Listening? Performance Measurement (PM) in San Francisco City Government"]** **Supervisor Mirkarimi**

Hearing before the Government Audit and Oversight Committee regarding Civil Grand Jury Report entitled: "The Numbers Have Something to Say, Is Anybody Listening? Performance Measurement (PM) in San Francisco City Government."

5/12/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

090501 **[Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling $5,923,143.27]**

Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003 as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of $4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of $4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay $950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees. (City Attorney)

5/5/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090500 **[Approval of settlement for 800 MHz reconfiguration with Sprint/Nextel]**

Resolution approving settlement of administrative action before the Federal Communications Commission, WT docket No. 02-55, involving the City and County of San Francisco against the Sprint/Nextel Corporation for the reconfiguration of the City's 800 MHz Radio Communications System. (City Attorney)

5/1/09, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Dufty
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft legislation to increase the fine for fare evasion on Muni from $50 to $75.

And also to establish that a second offense will be cited with up to a $250 fine and a third offense up to $500 fine.

From: Supervisor Dufty
To: Controller, Controllers Office
Requesting/Inquiring: Supervisor Dufty inquires that the Controllers office investigates the current cost of utility undergrounding in the City and County of San Francisco, which has been estimated at $7 million per mile.

The Controller's office should provide information on what options exist to lower the cost per mile for undergrounding by recommending greater efficiencies such as the possibility of competitively bidding the City's undergrounding projects instead of the current situation in which undergounding projects are completed by the electric utility that controls the contracting process.

In addition, the Controller's office should consider whether a continuous audit and ongoing oversight could increase efficiency and lower the cost-per-mile for undergrounding in San Francisco.

The Controller's office should also consider whether undergrounding utilities in San Francisco should be prioritized and included in the scope of work when streets are being re-paved, having the gas lines replaced or when a street is part of any other street improvements in which undergrounding could be added.

From: Supervisor Elsbernd
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft a Charter Amendment eliminating the current non-negotiable wage formula for MUNI operators and removing human resources responsibilities from MTA and delegating such responsibilities to the Department of Human Resources.

From: Supervisor Mirkarimi
To: City Attorney
To: Controller
Requesting/Inquiring: Supervisor Mirkarimi request the City Attorney and Controller ta opine an the process for selling the City owned Combustion Turbines (Previously proposed to be utilized to construct power plants in the City and at the airport aka Peaker Plants) and applying the proceeds of such sale toward City contracted renewable energy installations.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Alamo Square Bulletin Board

Garbage Cans
Northwest corner Haight & Fillmore
Southeast corner Turk & Pierce
Southeast Page & Fillmore
Northeast Waller & Scott

Mailboxes
Northeast corner Laguna & Fulton
Southeast corner Gough & Grove

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following location: On Fulton, East of Masonic, on South side of street.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

99 Haight
399 Grove
161 Pierce
1401 Haight
485 Scott
478-484 Haight
255 Steiner
378 Fillmore
400 Fillmore
959 Haight
1305 Haight
420 Haight
799 Haight
681 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole
In front of 555 Haight
Northwest corner Fulton & Clayton
Northwest corner Oak & Scott
Northeast corner Divisadero & Fell
Southeast corner Divisadero & Haight (near bus shelter)
In front of 355 Fulton

Wood Pole
Northeast corner Waller & Steiner
Southeast corner Steiner & Germania

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes
Southeast corner Divisadero & Fulton
Southwest corner Scott & Haight
Near 1213 Fell
Northeast corner Waller & Scott

Bus Shelters
Southeast corner Haight & Buena Vista West
Northeast corner Haight & Buena Vista East
Southeast corner Buchanan & Haight
Southside of street @ Haight & Buena Vista West
Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes
Northeast corner Divisadero & Fell

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstand at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Northwest corner of Hayes & Fillmore
Southeast corner of Fillmore & Haight

San Francisco Chronicle
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic

Examiner
Northwest corner of Fillmore & Hayes
Southeast corner Haight & Fillmore

SF Daily
Northwest corner Hayes & Gough

City Star
Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly
Southeast corner of Masonic & Haight and Southeast corner Haight & Fillmore

In Memoriams

Rosalie Taggi - Supervisor Chiu

Francis E. Fee - Supervisors Chu and Elsbernd

Thomas P. Alexander - Supervisor Dufty

Daniel Otto Scharetg - Supervisor Dufty

Antoinette "Toni" Longa - Supervisor Dufty

Lieutenant Oscar Tully - Supervisor Dufty

Yale Howard Smulyan - Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:26 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 2, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.
AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯： 必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

Disability access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.
Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.
The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site www.sfgov.org/ethics

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May 19, 2009

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES

Tuesday, May 19, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:13 p.m. On the call of the roll, all Supervisors were noted present.

Supervisor Alioto-Pier was noted absent at 4:06 p.m.

Supervisor Daly was noted absent at 4:41 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of April 21, 2009, and April 28, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

090526 **[Waiver of temporary street space occupancy fee on May 16, 2009, for Small Business Week Sidewalk Sale]** **Mayor, Supervisor Dufty**

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City [illegible] Saturday, May 16, 2009, as part of Small Business Week.

Enacted Number: 87-09

FINALLY PASSED

090478 **[Accept and Expend - Department of Public Health Grant - $402,342]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend a grant in the amount of $402,342 from the Centers for Disease Control and Prevention (CDC) to support the Medical Monitoring Project (MMP); for the period of June 1, 2009, through May 31, 2010.

Enacted Number: 200-09

ADOPTED

Recommendations of the Rules Committee

090503 **[Appointments, Reentry Council - Tommy Escarcega, Mary Campbell, Gerald Miller and ShaMauda Bishop]**

Motion appointing Tommy Escarcega, Mary Campbell, Gerald Miller and ShaMauda Bishop, terms to be determined, to the Reentry Council, residency requirement waived.

Tommy Escarcega, seat 1, new appointment, must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility, for a two-year term to be determined. Mary Campbell, Seat 2, new appointment, must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility, for a two-year term to be determined. Gerald Miller, seat 3, new appointment, must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility, for a two-year term to be determined. ShaMauda Bishop, seat 4, new appointment, must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility, for a two-year term to be determined.

Enacted Number: M09-100

APPROVED

090516 **[Appointments, Eastern Neighborhoods Citizens Advisory Committee]**

Motion appointing Keith Goldstein, Eric Smith, Susan Eslick, Jared Doumani, Chris Durazo, David Ho, Chris Block, Eric Quezada, terms to be determined by lot, to the Eastern Neighborhoods Citizens Advisory Committee, residency requirement waived.

Keith Goldstein, seat 1, new appointment, must be nominated by District 10 Supervisor and confirmed by the full Board for term to be determined by lot. Eric Smith, seat 2, new appointment, must be nominated by District 10 Supervisor and confirmed by the full Board for term to be determined by lot. Susan Eslick, seat 3, new appointment, must be nominated by District 10 Supervisor and confirmed by the full Board for term to be determined by lot. Jared Doumani, seat 4, new appointment, must be nominated by District 10 Supervisor and confirmed by the full Board for term to be determined by lot. Chris Durazo, seat 5, new appointment, must be nominated by District 6 Supervisor and confirmed by the full Board for term to be determined by lot. David Ho, seat 6, new appointment, must be nominated by District 6 Supervisor and confirmed by the full Board for term to be determined by lot. Chris Block, seat 7, new appointment, must be nominated by District B Supervisor and confirmed by the full Board for term to be determined by lot. Eric Quezada, seat 8, new appointment, must be nominated by District 9 Supervisor and confirmed by the full Board for term to be determined by lot.

Enacted Number: M09-101

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Subcommittee

090287 **[State Video Franchise Holders]** **Supervisors Mirkarimi, Daly, Avalos**

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1 and adding Section 11.2B-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1 and adding Section 11.B3-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

(Supervisor Chu dissented in Committee.)

Supervisor Avalos requested to be added as a co-sponsor.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1, and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1, and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

(Supervisor Chu dissented in Committee.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090328 **[Eligibility Criteria for Community Living Fund]** **Supervisors Mirkarimi, Mar, Avalos**

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-12, to establish a pilot program using the Elder Economic Security Index Fund as a factor for determining eligibility for the Community Living Fund.

Enacted Number: 88-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090405 **[Accept and Expend - Emergency Shelter Grants Program - $979,606]** **Mayor**

Resolution approving the fiscal year 2009/2010 Emergency Shelter Grant (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 Emergency Shelter Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $938,867 and to expend Reprogrammed Funds in the amount of $40,739.

(Fiscal Impact.)

Enacted Number: 203-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090406 **[Accept and Expend - HOME Program - $8,602,628]** **Mayor**

Resolution approving the fiscal year 2009/2010 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $8,602,628.

(Fiscal Impact.)

Enacted Number: 201-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090407 **[Accept and Expend - Community Development Block Grant (CDBG) - $23,072,426]** **Mayor**

Resolution approving the fiscal year 2009/2010 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $21,092,426 and to expend Program Income and Reprogrammed Funds in the amount of $1,980,000.

(Fiscal Impact.)

Enacted Number: 202-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090572 **[Rejecting the FY 2009-2010 Municipal Transportation Agency (MTA) Budget]** **Supervisors Chiu, Campos, Mirkarimi, Mar, Daly, Avalos, Maxwell**

Motion rejecting the Municipal Transportation Agency's (MTA) proposed FY 2009-2010 budget.

(Fiscal Impact.) (Supervisors Chu and Dufty dissented in Committee.)

Nathaniel Ford, MTA Executive Director/Chief Executive Officer, provided an update on the MTA budget and associated adjustments and policies and responded to questions raised throughout the discussion.

Continued to May 27, 2009 (Special Meeting, Wednesday, at 12:00 p.m.).

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendation of the Budget and Finance Subcommittee

090450 **[Approval of Sheriff's Contract for Jail Commissary and Inmate Trust Fund Accounting & Management System with ARAMARK Correctional Services, LLC]**

Resolution approving a contract for operating the Sheriff's Jail Commissary and Inmate Trust Fund Accounting & Management System between ARAMARK Correctional Services, LLC. (ARAMARK), and the City and County of San Francisco, acting by and through its Sheriff's Department. (Sheriff)

Enacted Number: 199-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081600 **[Closing Potrero Power Plant and updating the Electricity Resource Plan]** **Supervisors Maxwell, Alioto-Pier**

Ordinance establishing City policy to take all feasible steps to close the entire Potrero Power Plant as soon as possible and urging the Public Utilities Commission to immediately prepare a plan to close the Potrero Power Plant; and establishing clean energy goals; and urging the Public Utilities Commission to update the Electricity Resource Plan.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance establishing City policy to take all feasible steps to close the entire Potrero Power Plant as soon as possible and urging the Public Utilities Commission to immediately prepare a plan to close the Potrero Power Plant; and urging the Public Utilities Commission to update the Electricity Resource Plan.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090421 **[Administrative Code Revision to Allow Renewal of Contracts for Local Rent Supplement Program]** **Mayor**

Ordinance amending Chapter 24A of the Administrative Code "Administrative Structure Local Rent Supplement Program in the Office of the Mayor," Section 24A.08, related to the definition of Qualified Tenant to delete an out-dated tenant eligibility requirement; and amending Section 24A.10 related to the Term of Contract to extend the term of Rent Supplement Contracts for 10 years beginning April 1, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090474 **[Divided ownership of Real Ownership Opportunities for Tenants (ROOTS) program projects comprised of separate legal parcels]** **Supervisor Chiu**

Ordinance amending San Francisco Board of Supervisors Ordinance No. 34-07 by permitting projects that are the subject of Real Ownership Opportunities for Tenants (ROOTS) program grants to be comprised of separate legal parcels.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090475 **[Exceptions to Seismic Safety Loan Program requirements to amend loan to 53 Columbus Avenue]** **Supervisor Chiu**

Ordinance approving exceptions to requirements under San Francisco Administrative Code Sections 66 and 66A and the Seismic Safety Loan Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to amend an existing Seismic Safety Loan Program ("SSLP") loan for a project at 53 Columbus Avenue, San Francisco, California, to allow for cooperative housing and a transfer of the commercial portion of the project improvements.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090199 **[Conflict of Interest Code Amendments]** **Supervisor Daly**

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-240, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-417, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350, 3.1-400 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090394 **[Settlement of Lawsuit - San Francisco Pier 33 LLC - $225,000]**

Ordinance authorizing settlement of the lawsuit filed by San Francisco Pier 33 LLC against the City and County of San Francisco for $225,000; the lawsuit was filed on July 9, 2007, in San Francisco County Superior Court, Case No. CGC 07-464954; entitled San Francisco Pier 33 LLC v. City and County of San Francisco, et al.; other material terms of said settlement are agreement to amend plaintiff's lease of San Francisco Port Commission property to expand permissible uses, allow for certain sign replacements, and provide right of first refusal to enter into five-year lease of the property beginning June 13, 2014. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090455 **[Settlement of Claim - Marsanne Weese - $26,974.20]**

Resolution approving the settlement of the unlitigated claim submitted by Marsanne Weese against the City and County of San Francisco for $26,974.20; claim was submitted on September 26, 2008. (City Attorney)

Enacted Number: 197-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090470 **[Appointment, Entertainment Commission - Nicky Calma]**

Motion approving the Mayor's nomination for appointment of Nicky Calma to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2009. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 4/14/09.)

Enacted Number: M09-99

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented Certificates of Honor to Tim Stonnard, Mark Sullivan, Andrew Green (Spruce Restaurant); Nate Appleman, Shelley Lindgrem, Liza Shaw, Victoria Libin (A16 & SPQR Restaurants); Annette Yang, Brian Leitner (Nettie's Crab Shack); and Robert Wellbeloved, Alexander Ong (Betelnut Restaurant) in recognition of making the San Francisco Chronicle's "Top 100 Bay Area Restaurants."

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Judge John Dearman in recognition of 32 years of service upon his retirement and for being a community leader and role model.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Luis Angel Bautista Gonzalez in recognition of his accomplishments and for being selected as a Junior National Scholar Leader.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Roberto Hernandez in recognition of his contributions to the San Francisco LGBT community.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Marcio Jarmel and Ken Schneider (Patchwork Films) in recognition of their innovative and award winning films.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to the Department of Public Works for its services and in recognition of Public Works Week (May 17-23, 2009) in San Francisco.

COMMITTEE REPORTS

090550 **[Authorizing submittal of application for Transit Oriented Development (TOD) Funds]** **Mayor, Supervisor Dufty**

Resolution authorizing the submittal of an application by the Mayor's Office of Housing to the California State Department of Housing and Community Development for funding under the Transit Oriented Development (TOD) housing program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the Transit Oriented Development (TOD) housing program.

Enacted Number: 204-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; expressed concern with issues relating to the SF Public Library.

Male Speaker; expressed concerns with various religious issues.

Female Speaker; expressed concern with issues relating to park naming.

Male Speaker; expressed concern with issues relating to alcohol and Bay to Breakers race.

Walter; shared in song certain issues with the Board.

Dirk Meyheart; expressed concern with issues relating to park naming.

Male Speaker; expressed concern with issues relating to Department of Public Health.

Female Speaker; expressed concern with issues relating to park landscaping.

Female Speaker; expressed concern with issues relating to lyme disease.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090591 **[Lyme Disease Awareness Month - May 2009]** **Supervisors Alioto-Pier, Dufty, Campos**

Resolution declaring May 2009 as Lyme Disease Awareness Month.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 198-09

ADOPTED

090592 **[Opposing the elimination of the State Department of Boating and Waterways]** **Supervisor Alioto-Pier**

Resolution opposing Governor Arnold Schwarzenegger's proposed elimination of the California Department of Boating and Waterways (DBW).

Enacted Number: 207-09

ADOPTED

090593 **[Commending Community Behavioral Health Services (CBHS)]** **Supervisors Avalos, Campos**

Resolution commending Community Behavioral Health Services (CBHS) on its exemplary work implementing the Mental Health Services Act (MHSA).

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 205-09

ADOPTED

090594 **[Supporting recognition of married same-sex couples in the 2010 Census]** **Mayor, Supervisors Dufty, Mirkarimi, Mar, Elsbernd, Campos, Alioto-Pier, Chiu, Avalos**

Resolution calling for the recognition of legally married same-sex couples in the 2010 Census and for federal agencies to include lesbian, gay, bisexual and transgender individuals in all federal surveys and data collection.

Supervisor Avalos requested to be added as a co-sponsor.

Enacted Number: 206-09

ADOPTED

090577 **[Final Map - 7 Casa Way]**

Motion approving Final Map 4306, a Five Unit Residential Condominium Conversion Project, located at 7 Casa Way being a subdivision of Lot No. 014 in Assessors Block No. 0418A and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,162; District 2.)

Enacted Number: M09-97

APPROVED

090578 **[Final Map - 3148-3150 Geary Boulevard]**

Motion approving Final Map 5031, a Seven Unit Residential and One Commercial Mixed-Use Condominium Project, located at 3148-3150 Geary Boulevard being a subdivision of Lot No. 028 in Assessors Block No. 1066 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,163; District 2.)

Enacted Number: M09-98

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Daly

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090627 **[Extending the duration of the Film Rebate Program and limiting the rebate available to film productions for police services]** **Supervisors Alioto-Pier, Dufty**

Ordinance amending Administrative Code Section 57.8 by extending the Film Rebate Program through June 30, 2012, and modifying the definition of "qualified production cost" to in order limit rebates available to film productions for the use of certain police services.

5/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090631 **[Recreation and Park Department - Renaming Candlestick Park]** **Supervisors Dufty, Elsbernd**

Ordinance amending San Francisco Administrative Code Section 4.24 to allow the Recreation and Park Department to enter into an agreement for the naming of City-owned sports stadium located at Candlestick Point, and to use fifty percent of the revenue from the agreement to fund recreation center directors.

(Fiscal Impact.)

5/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090639 **[MOU, Amendment #2 - Union of American Physicians and Dentists (Unit 11-AA)]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090640 **[MOU, Amendment #1 - Multiple Unions (Crafts Coalition)]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association, The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Cement Masons, Local 300, Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Motion Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34, Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union Local 104; Teamsters, Local 853, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090641 [MOU, Amendment #1 - San Francisco Institutional Police Officers' Association] Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090642 [MOU - International Brotherhood of Electrical Workers Local Union 6, AFL-CIO] Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2009, through June 30, 2010.

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090643 [MOU, Amendment #1 - Municipal Executives' Association Fire] Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090644 [MOU, Amendment #1 - Municipal Executives' Association Police] Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090645 [MOU, Amendment #1 - San Francisco Police Officers' Association (P1 and P2A)] Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P1 and P2A) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090646 [MOU, Amendment #1 - San Francisco Police Officers' Association (P2-B)] Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P2-B) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090647 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)] Mayor

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090648 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)] Mayor

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090649 [MOU, Amendment #3 - Union of American Physicians and Dentists (Unit 8-CC)] Mayor

Ordinance adopting and implementing Amendment #3 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090650 **[Unrepresented Employees]** **Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2009.

5/19/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090402 **[Zoning - New Controls for Massage Establishments]** **Mayor, Supervisors Chu, Chiu**

Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, as defined, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; amending Planning Code Sections 790.114 and 890.114, to add massage establishments that employ only state-certified massage practitioners to the definitions of Medical Services in the Neighborhood Commercial Districts and Mixed Use Districts, respectively; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

3/31/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/30/2009.

4/3/09, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation; referred to Small Business Commission for review and comment.

4/20/09, RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15050 (c)(2).

5/19/09, SUBSTITUTED. Supervisor Chu submitted a substitute ordinance bearing new title.

5/19/09, ASSIGNED to Land Use and Economic Development Committee.

Resolutions

090628 **[Accept and Expend Grant - Department of Public Health - $200,000]** **Supervisors Campos, Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $200,000 from the Metta Fund to support the Healthy San Francisco (HSF) program evaluation for the period of April 29, 2009, through April 28, 2011.

5/19/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090629 **[Accept and Expend Grant - Department of Public Health - $50,000]** **Supervisors Campos, Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $50,000 from the Commonwealth Fund to support the Healthy San Francisco program evaluation for the period of March 1, 2009, through February 28, 2010.

5/19/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090630 **[Maintenance Agreement with Caltrans for various locations throughout the City]** **Supervisor Chu**

Resolution approving a Maintenance Agreement between the City and County of San Francisco and the State of California Department of Transportation (Caltrans) concerning maintenance work to be performed by the City in the State right-of-way at Junipero Serra Boulevard, Nineteenth Avenue, Cross-Over Drive, By-Pass Drive, Park Presidio Boulevard, Skyline Boulevard, Sloat Boulevard, James Lick Freeway, San Jose Avenue, Bayshore Freeway, Central Freeway, Mission Street, South Van Ness Avenue, Van Ness Avenue, Lombard Street, Richardson Street, Southern Freeway and ratifying certain actions in connection with this Resolution

5/19/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090632 **[Accept and Expend Grant - Department of Public Health - $102,421]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend funds from the Foundation for AIDS Research (amfAR) in the amount of $102,421 to support the HIV Epidemiology project entitled "Assessing Internet Users Preferences for Structural and Network Interventions;" for the period of January 1, 2009, through December 31, 2009.

5/19/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090633 **[Contract with Titan Outdoor for advertising on San Francisco Municipal Transportation Agency (SFMTA) vehicles and other property]** **Supervisor Dufty**

Resolution authorizing the San Francisco Municipal Transportation Agency (SFMTA) to execute a transit advertising contract with Titan Outdoor LLC, for a term commencing July 1, 2009, and ending June 30, 2014, which offers a minimum guarantee to the SFMTA of $22,102,525 over the term of the contract.

5/19/09, RECEIVED AND ASSIGNED to Budget and Finance Subcommittee.

090634 **[Accept and Expend Federal Grant - Airport Commission - $203,000]** **Supervisor Elsbernd**

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $203,000 from the Transportation Security Administration ("TSA") for the Airport K-9 Explosives Detection Team Program.

5/19/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090635 **[Accept and Expend Federal Grant - Airport Commission - $350,500]** **Supervisor Elsbernd**

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $350,500 from the Transportation Security Administration ("TSA") for the Airport K-9 Explosives Detection Team Program.

5/19/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090636 **[CEQA Findings and Approval of Real Property Agreements for SFPUC Water System Improvement Program San Andreas Pipeline No. 3 Installation Project beginning at the San Pedro Valve Lot (SPVL)]** **Supervisor Elsbernd**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the San Andreas Pipeline No 3 Installation Project, CUW 37901; directing the Clerk of the Board of Supervisors to notify the Controller of this action, making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; authorizing the SFPUC General Manager to execute the necessary agreements and deeds with John Daly Boulevard Associates, L.P., Monarch Ventures, L.P., Wilbak Investments, L.P (Westlake Associates) to modify, relocate and quitclaim certain easement rights in real property located in the Westlake Villas areas along Poncetta Drive between John Daly Boulevard and the north property line of Lake Merced Golf Club in the City of Daly City, and authorizing the SFPUC General Manager to execute the necessary agreements and deeds with Parkmerced Investors Properties, LLC (Parkmerced) to modify, relocate and quitclaim certain easement rights in real property located in the Parkmerced development from Brotherhood Way to 19th Avenue in the City and County of San Francisco.

5/19/09, RECEIVED AND ASSIGNED to Budget and Finance Subcommittee.

090637 **[Professional services agreement to provide professional engineering services for SFPUC Calaveras Dam Project]** **Supervisor Elsbernd**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by $10,100,000 for a total revised agreement amount of $24,000,000 and extend the agreement term by seven years for a total revised agreement term of thirteen years, pursuant to San Francisco Charter Section 9.118.

(Fiscal Impact.)

5/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090638 **[Accept and Expend Grant - Department of Public Health - $1,925,719]** **Supervisnrs Maxwell, Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Corrections and Rehabilitation (CDCR) in the amount of $1,925,719 to expand the City's treatment capacity for mentally ill parolees; for the period of June 1, 2009, through June 30, 2012.

5/19/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090651 **[Memorandum of Understanding between the Treasure Island Development Authority and the Office of the City Administrator]** **Mayor**

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Memorandum of Understanding appointing the City, acting by and through the Office of the City Administrator, as its agent to provide the services to carry out the Authority's operations and provide oversight to the Treasure Island Project Office for the term beginning July 1, 2009.

5/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090652 **[First Amendment to Memorandum of Agreement Between the Treasure Island Development Authority and the San Francisco County Transportation Authority Relating to Yerba Buena Island Ramps]** **Mayor**

Resolution approving a First Amendment to the Memorandum of Agreement between the Treasure Island Development Authority and the San Francisco County Transportation Authority for project management services and consultant services for the preparation of a Project Report, Environmental Document and Project Engineering for the Yerba Buena Island Ramps in an amount not to exceed $8,800,000.

5/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090653 **[Accept and Expend State Grant - Fire Department - $25,000]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of $25,000 from the State of California, Department of Fish and Game, Office of Spill Prevention and Response, to purchase oil spill response equipment.

5/19/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090654 **[Accept and Expend State Grant - Department of Public Health - $2,672]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant in the amount of $2,672 from the California Department of Pesticide Regulation (CDPR) to support Pesticide Use Reporting; for the period of July 1, 2009, through June 30, 2010.

5/19/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090655 **[Commending Deputy City Attorney Jacqueline Minor]** **Supervisors Campos, Maxwell, Dufty, Elsbernd**

Resolution commending Jacqueline Minor for more than ten years of exemplary public service to San Francisco as a Deputy City Attorney on the Government Team, the Energy and Telecommunications Team and at the San Francisco Unified School District, and wishing her well in her future endeavors as General Counsel for the Oakland Unified School District.

5/19/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090656 **[Support for Citywide bicycle improvements]** **Supervisnrs Chiu, Dufty, Mirkarimi**

Resolution urging City departments to prioritize completion of the City Bike Plan and to work with appropriate decision makers to ensure the advancement of physical and policy improvements to encourage and boost bicycling for transportation.

5/19/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090657 **[Urging the San Francisco Municipal Transportation Agency Board of Directors to increase the fines for fare evasion for first, second and third time offenders]** **Supervisors Dufty, Chiu**

Resolution urging the San Francisco Municipal Transportation Agency Board of Directors to increase the fine for first time fare evasion from $50 to $75 and increase the fine for second time fare evaders to $250 and increase the fine for third time fare evaders to $500

5/19/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090658 **[California State Budget - Opposing the use of additional local property tax funds]** **Supervisors Maxwell, Chiu, Mirkarimi**

Resolution finding a severe fiscal hardship will exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California.

5/19/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090659 **[Amendment to contract with AMEC Geomatrix, Inc.]** **Mayor**

Resolution approving an amendment to the contract with AMEC Geomatrix, Inc. to extend the term through June 30, 2010, and to increase the contract by an amount not to exceed $180,000 for a new total amount not to exceed $1,619,000 for environmental consulting services.

5/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090660 **[Municipal Transportation Agency (MTA) Transit Justice Budget Alternative]** **Supervisor Avalos**

Resolution urging the Municipal Transportation Agency (MTA) to adopt the Transit Justice Budget Alternative which proposes rollbacks on certain fare increases, restorations of specific service lines, and alternative revenue sources.

5/19/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090569 **[Resolution of Intention to renew the Union Square Business Improvement District, to be known as the Greater Union Square Business Improvement District]** **Supervisors Chiu, Maxwell**

Resolution (1) declaring the intention of the Board of Supervisors to renew the property-based Union Square business improvement district, to be known as the "Greater Union Square Business Improvement District," and to levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

5/12/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

5/19/09, SUBSTITUTED. Supervisor Chiu submitted a substitute ordinance bearing same title.

5/19/09, ASSIGNED to Government Audit and Oversight Committee.

Requests for Hearing

090625 **[San Francisco Unified School District plans to spend the federal stimulus funds]** **Supervisor Avalos**

Hearing on how San Francisco Unified School District plans to spend the federal stimulus funds it will receive on Special Education services and programs.

5/19/09, RECEIVED AND ASSIGNED to City and School District Select Committee.

090626 **[San Francisco Municipal Transportation Agency's Bus Shelter Contract]** **Supervisor Mar**

Hearing to discuss the compliance of the San Francisco Municipal Transportation's Bus Shelter Contract.

5/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Charter Amendments

090605 **[Charter Amendment - Providing that three members of the Municipal Transportation Agency Board of Directors shall be nominated by the Mayor, three shall be nominated by the President of the** **Supervisors Avalos, Mar, Campos**

Charter Amendment (First Draft) to amend Sections 8A.102 and 15.105 to split the appointments to the San Francisco Municipal Transportation Agency Board of Directors so that three members are nominated each by the Mayor and the President of the Board of Supervisors and that one member is elected by vote of the people.

5/19/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

090606 **[Charter Amendment - Eliminating the 48.7-hour limit on the work week for firefighters]** **Supervisor Avalos**

Charter Amendment (First Draft) to amend Section A8.452 to: (1) eliminate the 48.7-hour limitation on the work week for uniformed officers and member of the Fire Department, (2) establish a work week of at least 52 hours, on an annualized basis, for uniformed officers and members assigned to fire fighting companies and units, with the minimum 52-hour work week requirement to be effective for any amendment or extension to the Memorandum of Understanding (MOU) between the City and County of San Francisco (City) and the San Francisco Fire Fighters Union Local 798 (Union) in effect July 1, 2007 through June 30, 2011, and for the successor MOU and each MOU between the City and Union thereafter, and (3) eliminate superseded language setting holiday schedule and compensation requirements for firefighters; and by adding Section A8.590-9 to provide that the work week for firefighters assigned to fire fighting companies and units shall be governed by Section A8.452 and not be subject to binding interest arbitration under Charter Section A8.590-5.

5/19/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

090607 **[Requiring adequate taxi service, protecting public ownership of taxi medallions and other features of the medallion program, and ensuring the welfare of taxi drivers]** **Supervisor Daly**

Charter Amendment (First Draft) to add Section 8A.106 requiring adequate taxi service, protecting public ownership of taxi medallions, and ensuring the welfare of taxi drivers.

5/19/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

090608 **[Charter Amendment - Allowing the Board of Supervisors to designate certain appropriations as mandates to expend the money appropriated]** **Supervisor Daly**

Charter Amendment (First Draft) to amend Section 9.103 to allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, and requiring the relevant City departments to report to the Board on their plans for expenditure of the money appropriated.

5/19/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

090609 **[Charter Amendment - Establishing a Community Development Commission]** **Supervisor Daly**

Charter Amendment (First Draft) to add Section 4.136 to the Charter to establish a Community Development Commission

5/19/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

090622 **[Charter Amendment - Instituting two-year budgetary cycle, providing for the adoption of a five-year financial plan, and imposing a deadline of June 30 for approval of MOUs for miscellaneous** **Mayor, Supervisors Chiu, Mirkarimi, Avalos, Campos**

Charter Amendment (First Draft) to amend Sections 2.103, 2.108, 2.117, 3.105, 9.100, 9.101, 9.102, 9.103, 9.104, 9.113, 9.113 5, 9.114, 11.100, A8.409-4, A8.590-5, A8.590-8, 16.112, and Article XVII, and adding Sections 9.119, 9.120, and 9.121 to institute a "rolling" two-year budgetary cycle (the City would adopt a new two-year budget each year), allow the 8oard of Supervisors to convert the rolling two-year budgetary cycle for some or all departments into a "fixed" two-year cycle (each two-year budget would stay in effect for two years), impose a deadline of June 30th for the 8oard of Supervisors to approve or adopt new terms and conditions of employment for miscellaneous or safety employees if those terms and conditions are to be effective during the upcoming fiscal year, require that City departments, including the 8oard of Supervisors, post various notices on the departments' websites and eliminate the requirement that the departments publish such notices in the City's official newspaper, and allow the Controller to certify the availability of funds based on the expectation that funds will become available during the course of the budgetary cycle.

5/19/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

090623 **[Charter Amendment - Creating an Office of Management and Budget led by a Director who shall serve a ten-year term, mandating a two-year budgetary cycle, and requiring the Board of** **Supervisor Dufty**

Charter Amendment (First Draft) to amend Sections 2.117, 16.123, 16.123-7, 16.123-8, A8.409-4, 9.100, 9.101, 9.102, 9.103, 9.104, 9.113, 9.113.5, and 9.114, to create an Office of Management and 8udget and provide that the Director of that Office shall be appointed by the Mayor and confirmed by the 8oard of Supervisors to a ten-year term, institute a two-year budgetary cycle for all City departments, and require the City to adopt a five-year financial plan.

5/19/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

090624 **[Charter Amendment - Setting Transit Operator Wages and Benefits Solely Through Collective Bargaining]** **Supervisor Elsbernd**

Charter Amendment (First Draft) to amend Sections 8A.104, A8.409-1, A8.409-4 and A8.428 and deleting Section A8.404 of the Charter to eliminate the formula setting a floor for transit operator wages and providing that wages and benefits for transit operators shall be set through collective bargaining and that any impasse in collective bargaining shall be resolved through interest arbitration.

5/19/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

090575 **[Hunters View - Street Vacation Order]**

Ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1 quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance. (Public Works Department)

5/5/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090595 **[Settlement of Lawsuit - Daniel Alvarenga - $82,500]**

Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for $82,500, the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco, et al. (City Attorney)

5/13/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090573 **[Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]**

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2009, to September 30, 2010. (Treasure Island Development Authority)

5/5/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090574 **[Hunters View - Resolution of Intent for Street Vacation]**

Resolution declaring the intention of the Board of Supervisors to vacate portions of Fairfax Avenue and West Point Road and various public service easements in the Hunters View Project; setting a hearing date for all persons interested in the proposed vacation of said street areas. (Public Works Department)

5/5/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090579 **[Approval of three contracts for the Department of Public Health totaling $84,322,248]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health to enter into three contracts providing mental health and substance abuse counseling services for clients enrolled in the CalWORK's Welfare to Work Program; integrated substance abuse, mental health and medical services for clients in the Opiate Treatment Program; and fiscal intermediary services related to the San Francisco Mental Health Plan's for Community Behavioral Health Services (CBHS), Residential Care Facilities, Private Provider Network, Mental Health Wraparound Services, and Department's Housing and Urban Health's Emergency Housing Program for the terms of July 1, 2009, through June 30, 2013, and July 1, 2009, through June 30, 2012. (Public Health Department)

(Fiscal Impact.)

5/8/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Campos
To: Director, San Francisco Airport
To: Director, Municipal Transportation Agency
Requesting/Inquiring: Requesting a list of contracts under $10 million issued by the Airport and the San Francisco Municipal Transportation Agency in fiscal years 2007-08, 2008-09, and 2009-10.

From: Supervisors Dufty and Maxwell
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney's office work with DPW, and the Recreation and Park Department to draft legislation that would enable DPW to accept street maintenance responsibility for the streets that form the perimeter of Candlestick Park.

The legislation will delineate the existing street maintenance obligations for the following street in the vicinity of Candlestick Park.

- *Jamestown from Coronado to Hunter's Point Expressway*
- *Hunter's Point Expressway from Harney to Donhue/Gilman*
- *Gilman from Donahue to Giants Drive*
- *Giants Drive from Gilman to end at ballpark*
- *Ingerson from Griffith to Coronado*

In addition, the legislation will modify street maintenance responsibilities and accept these streets for maintenance by DPW and if necessary, effectuate any street vacation or other City action required to effectuate the intent of this legislation.

From: Supervisor Elsbernd
To: Director, Department of Technology
Requesting/Inquiring: Inquiring as to the receipt by the Department of Technology of funding for cable access operations from Comcast Corporation, which was discussed at the May 19, 2009 Board of Supervisors meeting. Furthermore, Supervisor Elsbernd requests that the Board of Supervisors be notified upon receipt of this funding.

In Memoriams

Brian O'Neill - Entire Board

James Kessler - Supervisor Alioto-Pier

Marlon Del Cid Mayorga Guadamuz - Supervisor Avalos

John Stearns - Supervisor Chiu

Jake Robert Velloza - Supervisor Dufty

Jamie Gross - Supervisor Dufty

Helen Canafax - Supervisor Dufty

Mary Portman - Supervisor Elsbernd

Thaddoues George Johnson, Sr. - Supervisor Maxwell

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:45 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 9, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
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翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site www.sfgov.org/ethics

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May 27, 2009 - Special

City and County of San Francisco

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MEETING MINUTES

Wednesday, May 27, 2009
12:00 PM
Legislative Chamber - Second Floor
Special Meeting
Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 12:10 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum

Supervisor Alioto-Pier was noted present at 12:24 p.m.

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

090572 **[Rejecting the FY 2009-2010 Municipal Transportation Agency (MTA) Budget]** **Supervisors Chiu, Campos, Mirkarimi, Mar, Daly, Avalos, Maxwell**

Motion rejecting the Municipal Transportation Agency's (MTA) proposed FY 2009-2010 budget.

(Fiscal Impact.) (Supervisors Chu and Dufty dissented in Committee.)

Tom Nolan, MTA Chairman of the Board of Directors, and Nathaniel Ford, MTA Executive Director/Chief Executive Officer, provided information relating to the MTA budget, service levels, and associated policies and responded to questions raised throughout the discussion.

NOT APPROVED by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 12:50 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 9, 2009.

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June 02, 2009

City and County of San Francisco

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MEETING MINUTES

Tuesday, June 2, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll, Supervisor Dufty was noted absent. There was a quorum

Supervisor Dufty was noted present at 3:04 p.m.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to rescind the votes on File Nos. 090542, 090549, 090421, 090474, 090475, 090199, 090394, 090484, 090610, 090611, 090612, 090613, 090614, 090615, 090617, 090618, 090619, 090620, 090287 081600, 090527, 090499, 090556, 090274, 090569, 090653, 090654, 090655, 090656, 090657, and 090658. The motion passed without objection.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of May 5, 2009, and May 12, 2009. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Dufty

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on June 1, 2009, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090542 **[Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved for Enterprise Departments]**

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: employee and public parking management services, information booth services, security services, and shuttle bus services (Airport); paratransit services, security services, parking citation and collection, janitorial - various facilities, meter collection and coin counting, towing services, and transit shelter maintenance services (MTA); janitorial and security services (Port). (Mayor)

Enacted Number: 213-09

ADOPTED

Recommendation of the Budget and Finance Subcommittee

090549 **[Accept and Expend - State of California CalHome Grant - Fiscal Year 2009]** **Mayor**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the California Department of Housing and Community Development (HCD) in a total amount not to exceed $1,500,000 to assist low income first time homebuyers and low income homeowners.

Enacted Number: 210-09

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090421 **[Administrative Code Revision to Allow Renewal of Contracts for Local Rent Supplement Program]** **Mayor**

Ordinance amending Chapter 24A of the Administrative Code "Administrative Structure Local Rent Supplement Program in the Office of the Mayor," Section 24A.08, related to the definition of Qualified Tenant to delete an out-dated tenant eligibility requirement; and amending Section 24A.10 related to the Term of Contract to extend the term of Rent Supplement Contracts for 10 years beginning April 1, 2009.

Enacted Number: 90-09

FINALLY PASSED

090474 **[Divided ownership of Real Ownership Opportunities for Tenants (ROOTS) program projects comprised of separate legal parcels]** **Supervisor Chiu**

Ordinance amending San Francisco Board of Supervisors Ordinance No. 34-07 by permitting projects that are the subject of Real Ownership Opportunities for Tenants (ROOTS) program grants to be comprised of separate legal parcels.

Enacted Number: 92-09

FINALLY PASSED

090475 **[Exceptions to Seismic Safety Loan Program requirements to amend loan to 53 Columbus Avenue]** **Supervisor Chiu**

Ordinance approving exceptions to requirements under San Francisco Administrative Code Sections 66 and 66A and the Seismic Safety Loan Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to amend an existing Seismic Safety Loan Program ("SSLP") loan for a project at 53 Columbus Avenue, San Francisco, California, to allow for cooperative housing and a transfer of the commercial portion of the project improvements.

Enacted Number: 91-09

FINALLY PASSED

Recommendations of the Rules Committee

090199 **[Conflict of Interest Code Amendments]** **Supervisor Daly**

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-240, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-417, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350, 3.1-400 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

Enacted Number: 93-09

FINALLY PASSED

090394 **[Settlement of Lawsuit - San Francisco Pier 33 LLC - $225,000]**

Ordinance authorizing settlement of the lawsuit filed by San Francisco Pier 33 LLC against the City and County of San Francisco for $225,000; the lawsuit was filed on July 9, 2007, in San Francisco County Superior Court, Case No. CGC 07-464954; entitled San Francisco Pier 33 LLC v. City and County of San Francisco, et al.; other material terms of said settlement are agreement to amend plaintiff's lease of San Francisco Port Commission property to expand permissible uses, allow for certain sign replacements, and provide right of first refusal to enter into five-year lease of the property beginning June 13, 2014. (City Attorney)

Enacted Number: 89-09

FINALLY PASSED

090484 **[Appointments, Graffiti Advisory Board - Leigh Ann Baughman, Paul Giusti and Jana Lord]**

Motion appointing Leigh Ann Baughman, Paul Giusti and Jana Lord, terms ending April 10, 2011, to the Graffiti Advisory Board, residency requirement waived.

Leigh Ann Baughman, seat 13, succeeding Milo Hanke, term expired, must represent nonprofit organizations who provide services related to the City's beautification and neighborhood cleanup programs, for the unexpired portion of a two-year term ending April 10, 2011. Paul Giusti, seat 15, succeeding himself, term expired, must represent businesses that operate in San Francisco, for the unexpired portion of a two-year term ending April 10, 2011. Jana Lord, seat 17, succeeding herself, term expired, must represent contracting agencies for Municipal Railway shelters, for the unexpired portion of a two-year term ending April 10, 2011.

Enacted Number: M09-103

APPROVED

090610 **[Appointment, Sweatfree Procurement Advisory Group - Christopher Honigsberg]**

Motion appointing Christopher Honigsberg, term ending December 17, 2011, to the Sweatfree Procurement Advisory Group

Christopher Honigsberg, seat 5, succeeding Virginia Villegas, resigned, must be a member of the public, for the unexpired portion of a two-year term ending December 17, 2011.

Enacted Number: M09-104

APPROVED

090611 **[Appointment, In-Home Supportive Services Public Authority - Ethel Richardson]**

Motion appointing Ethel Richardson, term ending March 1, 2010, to the In-Home Supportive Services Public Authority.

Ethel Richardson, seat 10, succeeding Vincent Behan, term expired, must be a consumer over the age of 55, authorized to represent organizations that advocate for aging people with disabilities, for the unexpired portion of a three-year term ending March 1, 2010

Enacted Number: M09-105

APPROVED

090612 **[Appointment, Immigrant Rights Commission - Joaquin Gonzalez]**

Motion appointing Joaquin Gonzalez, term ending June 6, 2010, to the Immigrant Rights Commission.

Joaquin Gonzalez, seat 5, succeeding himself, term expired, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2010.

Enacted Number: M09-106

APPROVED

090613 **[Appointment, Sunshine Ordinance Task Force - Marjorie Ann Williams]**

Motion appointing Marjorie Ann Williams, term ending April 27, 2011, to the Sunshine Ordinance Task Force.

Marjorie Ann Williams, seat 11, succeeding herself, term expired, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2011.

Enacted Number: M09-107

APPROVED

090614 **[Appointments, Bicycle Advisory Committee - Marc Brandt and Jake Wegmann]**

Motion appointing Marc Brandt and Jake Wegmann, terms ending November 19, 2010, to the Bicycle Advisory Committee

Marc Brandt, seat 3, succeeding himself, term expired, must be a nominee of District 3 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2010 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration. Jake Wegmann, seat 6, succeeding himself, term expired, must be a nominee of District 6 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2010 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

Enacted Number: M09-108

APPROVED

090615 **[Appointment, Veterans Affairs Commission - Michael Thompson]**

Motion appointing Michael Thompson, term ending January 31, 2013, to the Veterans Affairs Commission.

Michael Thompson, seat 2, succeeding himself, term expired, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2013.

Enacted Number: M09-109

APPROVED

090617 **[Appointment, Commission on the Aging Advisory Council - Alexander MacDonald]**

Motion appointing Alexander MacDonald, term ending March 31, 2010, to the Commission on the Aging Advisory Council

Alexander MacDonald, seat 2, succeeding himself, term expired, must be nominee of District 6 Supervisor, for the unexpired portion of a two-year term ending March 31, 2010.

Enacted Number: M09-110

APPROVED

090618 **[Appointment, Citizens' General Obligation Bond Oversight Committee - Thea Selby]**

Motion appointing Thea Selby, term ending November 21, 2010, to the Citizens' General Obligation Bond Oversight Committee.

Thea Selby, seat 1, succeeding Deidre Von Rock-Ricci, term expired, must be active in a business organization representing the business community located within the City, for the unexpired portion of a two-year term ending November 21, 2010.

Enacted Number: M09-111

APPROVED

090619 **[Appointments, Asthma Task Force - Pavlos Politopoulous and Ann Togia]**

Motion appointing Pavlos Politopoulos and Ann Togia, terms ending July 1, 2011, to the Asthma Task Force.

Pavlos Politopoulos, seat 5, succeeding Denysius Cruz, resigned, must be an individual who is either a person with asthma, the parent of a child with asthma, or an asthma patient advocate and is a voting member, for term ending July 1, 2011. Ann Togia, seat 9, succeeding Mary Higgins, resigned, must be a representative of an environmental health/justice organization and is a voting member, for term ending July 1, 2011.

Enacted Number: M09-112

APPROVED

090620 **[Appointments, San Francisco Health Authority - Susan Currin and Maria Luz Torre]**

Motion appointing Susan Currin, term ending January 15, 2012, and Maria Luz Torre, term ending January 15, 2010, to the San Francisco Health Authority, residency requirement waived.

Susan Currin, seat 3, succeeding Gene Maria O'Connell, term expired, must be a Senior Manager of San Francisco General Hospital, for the unexpired portion of a three-year term ending January 15, 2012. Maria Luz Torre, seat 10, succeeding herself, term expired, must be a nominee of the Health Authority Beneficiary Advisory Committee who shall, at the time of appointment and during the person's term, be a Medi-Cal beneficiary, for the unexpired portion of a three-year term ending January 15, 2010.

Enacted Number: M09-113

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Subcommittee

090287 **[State Video Franchise Holders]** **Supervisors Mirkarimi, Daly, Avalos**

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1, and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1, and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

(Supervisor Chu dissented in Committee.)

Continued to June 9, 2009.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FINAL PASSAGE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

081600 **[Closing Potrero Power Plant and updating the Electricity Resource Plan]** **Supervisors Maxwell, Alioto-Pier**

Ordinance establishing City policy to take all feasible steps to close the entire Potrero Power Plant as soon as possible and urging the Public Utilities Commission to immediately prepare a plan to close the Potrero Power Plant; and urging the Public Utilities Commission to update the Electricity Resource Plan.

Enacted Number: 94-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

090527 **[Public Employment and Accept and Expend Federal pass through State Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009; Mayor's Summer Food Service Program and the Afterschool** **Mayor**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-09) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Their Families (CHF), and authorizing the department to accept and expend a grant in the amount of $885,127 currently and retroactively, if necessary, from the United States Department of Agriculture pass through the California Department of Education to sponsor the 2009 Mayor's Summer Food Service Program and the After School Snack Program.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090499 **[Ratification of increases to prior professional service contracts for health and behavioral health services]**

Resolution approving amendment to Resolution No. 702-06, which ratified prior professional service contracts for the San Francisco Department of Public Health for health and behavioral health services and approved three year extensions, to increase the total contract amounts and extend the terms of those contracts through December 31, 2010. (Public Health Department)

(Fiscal Impact.)

Enacted Number: 212-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090556 **[Amendment to the City's contract with Office Depot to increase the dollar amount by more than $500,000]** **Supervisor Dufty**

Resolution approving the Seventh Amendment to the Agreement between the City and Office Depot (Contractor) for office supplies, increasing the contract's dollar amount to $19,345,441 pursuant to Charter Section 9.118(b).

(Fiscal Impact.)

Enacted Number: 217-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

090274 **[Planning - Union Street Neighborhood Commercial District - Small Self-Service Restaurants and Self-Service Specialty Food Uses]** **Supervisor Alioto-Pier**

Ordinance amending Planning Code Section 725.1, Section 725.44, and Section 725.69A of the Union Street Neighborhood Commercial District Zoning Control Table to provide for a limited number of new Small Self-Service Restaurants and Self-Service Specialty Food uses subject to conditional use authorization by the Planning Commission, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

Supervisor Mar Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor Mar from voting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Dufty
Excused: 1 - Mar

090616 **[Appointment, Children and Families First Commission - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar, for an indefinite term, to the Children and Families First Commission.

Enacted Number: M09-102

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Dufty
Excused: 1 - Mar

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Oscar Jimenez and the Mission Recreation Center Girl's Basketball Club in recognition of their accomplishments and continued community involvement.

COMMITTEE REPORTS

090569 **[Resolution of Intention to renew the Union Square Business Improvement District, to be known as the Greater Union Square Business Improvement District]** **Supervisors Chiu, Maxwell**

Resolution (1) declaring the intention of the Board of Supervisors to renew the property-based Union Square business improvement district, to be known as the "Greater Union Square Business Improvement District," and to levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.

Walter; shared in song certain issues with the Board.

Francisco Da Costa; expressed concerns relating to budget.

Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.

Male Speaker; shared in poem certain issues with the Board.

Richard Sanderell; expressed concerns relating to sports mascots.

Tony Gonzalez; expressed concerns relating to Indian rights.

Herbert Weiner; expressed concerns relating to MTA budget.

Eula Walters, expressed concerns relating to park landscaping.

Alvin Dufty; expressed concerns relating to budget.

Male Speaker; expressed concerns relating to the hot team.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090653 **[Accept and Expend State Grant - Fire Department - $25,000]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of $25,000 from the State of California, Department of Fish and Game, Office of Spill Prevention and Response, to purchase oil spill response equipment.

Enacted Number: 219-09

ADOPTED

090654 **[Accept and Expend State Grant - Department of Public Health - $2,672]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant in the amount of $2,672 from the California Department of Pesticide Regulation (CDPR) to support Pesticide Use Reporting; for the period of July 1, 2009, through June 30, 2010.

Enacted Number: 218-09

ADOPTED

090655 **[Commending Deputy City Attorney Jacqueline Minor]** **Supervisors Campos, Maxwell, Dufty, Elsbernd**

Resolution commending Jacqueline Minor for more than ten years of exemplary public service to San Francisco as a Deputy City Attorney on the Government Team, the Energy and Telecommunications Team and at the San Francisco Unified School District, and wishing her well in her future endeavors as General Counsel for the Oakland Unified School District.

Enacted Number: 214-09

ADOPTED

090656 **[Support for Citywide bicycle improvements]** **Supervisors Chiu, Dufty, Mirkarimi**

Resolution urging City departments to prioritize completion of the City Bike Plan and to work with appropriate decision makers to ensure the advancement of physical and policy improvements to encourage and boost bicycling for transportation.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 216-09

ADOPTED

090657 **[Urging the San Francisco Municipal Transportation Agency Board of Directors to increase the fines for fare evasion for first, second and third time offenders]** **Supervisors Dufty, Chiu**

Resolution urging the San Francisco Municipal Transportation Agency Board of Directors to increase the fine for first time fare evasion from $50 to $75 and increase the fine for second time fare evaders to $250 and increase the fine for third time fare evaders to $500

Enacted Number: 215-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the For Adoption Without Committee Reference Agenda

Supervisor Maxwell requested that this matter be severed so that it might be considered seporately.

090658 **[California State Budget - Opposing the use of additional local property tax funds]** **Supervisors Maxwell, Chiu, Mirkarimi**

Resolution finding a severe fiscal hardship will exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 211-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avolos requested that this matter be severed so that it might be considered separately.

090660 **[Municipal Transportation Agency (MTA) Transit Justice Budget Alternative]** **Supervisor Avalos**

Resolution urging the Municipal Transportation Agency (MTA) to adopt the Transit Justice Budget Alternative which proposes rollbacks on certain fare increases, restorations of specific service lines, and alternative revenue sources.

Supervisor Avalos requested that this motter be referred to Committee.

REFERRED to the Budget and Finance Committee.

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090673 **[MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 200]** **Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, by extending the terms of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090674 **[MOU, Amendment #1 - San Francisco Deputy Probation Officers' Association]** **Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

6/1/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090675 **[MOU, Amendment #1 - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]** **Mayor**

Ordinance adopting and implementing the Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090676 **[MOU, Amendment #3 - Service Employee International Union, Local 1021]** **Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090677 **[MOU, Amendment #1 - Service Employee International Union, Staff Per Diem Nurses, Local 1021]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff & Per Diem Nurses by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal year 2009-2010 and 2010-2011.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090680 **[MOU, Amendment #1 - District Attorney Investigators' Association]** **Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090681 **[MOU, Amendment #1 - Committee of Interns and Residents, Service Employee International Union, Local 1021]** **Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the California Association of Interns and Residents/Committee of Interns and Residents, SEIU, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090682 **[MOU, Laborers International Union, Local 261]** **Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local No. 261, to be effective July 1, 2009, through June 30, 2011.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090683 **[MOU, Stationary Engineers, Local 39]** **Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating and Stationary Engineers, Local 39, to be effective July 1, 2009, through June 30, 2010.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090684 **[MOU, Amendment #2 - Operating Engineers, Local 3]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090685 **[MOU, Amendment #3 - San Francisco Municipal Attorneys' Association]** **Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090686 **[MOU, Amendment #2 - Machinists Union, Local 1414, International Association of Machinists & Aerospace Workers, Machinists Automotive Trades District Lodge 190]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090687 **[MOU, Amendment #3 - Municipal Executives' Association, Misc.]** **Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090688 **[MOU, Amendment #2 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090689 **[MOU, Amendment #2 - International Federation of Professional and Technical Employees, AFL-CIO, Local 21]** Mayor

Ordinance adopting and implementing the Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Employees, AFL-CIO, Local 21, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090691 **[Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2009-2010]** Mayor

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year June 30, 2010.

(Fiscal Impact.) (Supervisor Chu and Supervisor Dufty dissented in Committee.)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090692 **[Interim Annual Salary Ordinance, Fiscal Year 2009-2010]** Mayor

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds andappropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.) (Supervisor Chu and Supervisor Dufty dissented in Committee.)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090697 **[Increasing Street Artist Certificate Fee]** Mayor

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090698 **[Planning Fee Procedures and Adjustments]** Mayor

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to increase fees to recover costs for monitoring conditions of approval and the General Advertising Sign Program; establish Code Enforcement violation penalties; modify refund procedures; modify the indigent fee waiver provision; clarify phased collections and payment deferment; establish a new processing fee for phased payments; and making Section 302 and environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090699 **[Code Enforcement Fund; Fees]** Mayor

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-166 to expand the Planning Department's Code Enforcement Fund beyond general advertising signs and authorize the Fund to receive revenues from all types of code enforcement activities, including monetary judgments, and authorize expenditure of the funds for administration and enforcement of all Planning Code violations; amending the San Francisco Planning Code by amending Sections 303(l) and 358 to clarify that wall signs are included in the requirements; amending Sections 303(l) and 604.2 to delete the requirement to submit a site map, amending Section 358 to clarify use of the general advertising sign inventory fees and to make technical changes to the language of the section; amending Section 604.2 to provide that violation of the Code's general advertising sign inventory requirements is a public nuisance, to clarify that the definition of the term "general advertising sign company" includes the operator of the sign, to modify language required to be in the affidavit submitted with the sign inventory, to conform the penalty and appeal procedure with Section 610, and to make other clarifying and technical changes to the language of the section; adopting CEQA and Planning Code Section 302 findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090700 **[Mental Health Services for the Indigent and Uninsured]** Mayor

Ordinance amending S.F. Administrative Code Section 15.23 to maintain a single standard of care for the indigent and uninsured population who suffer from serious mental illness.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090701 **[Setting Patient Rates - effective July 1, 2009]** Mayor

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2009.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090702 **[Emergency Medical Services Fees]** Mayor

Ordinance amending the San Francisco Health Code by amending Section 901 and adding Section 914.5, and amending San Francisco Business and Tax Regulations Code Section 249.8, to amend definitions, add fees and a Certificate of Participation requirement for facilities that receive patients through ambulance service providers, and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090703 **[Chain Restaurant Surcharge]** Mayor

Ordinance adding Section 249.21 to the Business and Tax Regulations Code to impose a surcharge on chain restaurants that qualify as food facilities under State law to recover the Department of Public Health's costs of enforcing California Health and Safety Code Sec. 114094 regarding disclosure of nutritional and calorie content information, adding provisions for the Controller to adjust fees annually and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090704 **[Fee for Public Administrator/Public Guardian Representative Payee Services]** **Mayor**

Ordinance amending Sec. 2A.211-A of the S.F. Administrative Code to add a monthly fee of thirty five dollars for services provided by the Public Administrator/Public Guardian Representative Payee Program.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090705 **[Fees for Fire Department Services and Permits - Fire Code]** **Mayor**

Ordinance amending Sections 112.2, 112.3, 112.7, 112.8, 112.9, 112.10, 112.11, 112.15, 112.17, 112.18, 112.19 and Tables 112-A, 112-B and 112-C of Appendix Chapter 1 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits and to add additional permits, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090706 **[Fees for Fire Department emergency medical services]** **Mayor**

Ordinance amending Section 128.1 of the San Francisco Health Code to increase fees for Fire Department emergency medical services and to update the language regarding fee changes in subsequent fiscal years, and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090707 **[Increasing and establishing certain Fire Department licensing fees]** **Mayor**

Ordinance amending Sections 90, 93, 93.1, 94, 120, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the San Francisco Business and Tax Regulations Code to increase or establish and set licensing fees for certain permits issued by the Fire Department and adding Sections 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234 and 235 to establish and set fees for additional Fire Department licenses, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090708 **[Increasing Fire Department fees for street fairs]** **Mayor**

Ordinance amending Section 6.6 of the San Francisco Transportation Code to increase fees for Fire Department services, permits and inspections related to street fairs, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090709 **[Juvenile Probation Department-Daily Fee at Juvenile Hall and Log Cabin Ranch]** **Mayor**

Ordinance amending the San Francisco Administrative Code by adding Sections 10.39-5 and 10.39-6 to establish daily fees at Juvenile Hall and Log Cabin Ranch and to designate a Financial Evaluation Officer to evaluate ability of persons to pay such fees, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090710 **[Sale of combustion turbines]** **Mayor, Supervisor Mirkarimi**

Ordinance authorizing the Public Utilities Commission, working in conjunction with the City Attorney, to sell the four combustion turbines transferred to the City as part of the Williams Settlement in a manner that maximizes the public benefits to the City consistent with the State Agreements.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090711 **[Recreation and Park Department - Clubhouses and Gymnasiums Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.21 to increase the fees at the Clubhouses and Gymnasiums, to eliminate the reservation fee and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090712 **[Recreation and Park Department - Aquatic Facilities Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.40 to increase the fees at the Aquatic facilities and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090713 **[Recreation and Park - Day Camp Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.15 to increase fees for Day Camps and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090714 **[Recreation and Park - Kezar Parking Lot Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.08 to increase fees for parking in the lot at the Kezar Stadium and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090715 **[Recreation and Park Department - Arboretum Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.46 to add a non-resident entrance fee for the Arboretum and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090716 **[Recreation and Park-Parking]** **Mayor**

Ordinance amending the Article 6 of the Park Code by adding Section 6.14 to authorize the San Francisco Municipal Transportation Agency to identify areas located on property under the jurisdiction of the Recreation and Park Commission that are suitable for paid parking; to set rates for such parking; and to develop and implement a parking management plan for park property and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090717 **[Recreation and Park Department - Athletic Field Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.36 to increase the fees for use of Athletic Fields and making environmental findings.

(Supervisor Mirkarimi dissented in Committee.)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090718 **[Recreation and Park Department - Japanese Tea Garden Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.05 to add a non-resident entrance fee for the Japanese Tea Garden and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090719 **[Recreation and Park Department - Latch Key and Afterschool Programs Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.30 to increase fees for Latchkey and Afterschool programs and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090720 **[Recreation and Park - Conservatory of Flowers Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.34 to add a non-resident entrance fee for the Conservatory of Flowers and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090721 **[Medical Examiner's Fees for Copies of Documents and Certain Services]** **Mayor**

Ordinance amending Section 8.14 of the S.F. Administrative Code to increase the Medical Examiner's Fees for Copies of Documents and Certain Services and adding fees for new services.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090722 **[Public Works Code - Increasing Tree Removal Permit Fees]** **Mayor**

Ordinance amending Section 806 of the Public Works Code to increase the fees charged for removal of street trees under the Urban Forestry Ordinance from $267 to $607, for a permit to remove 1-3 street trees; from $360 to $808, for a permit to remove 4-9 street trees; and from $565 to $1,214, for a permit to remove 10 or more street trees; and making environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090723 **[Budget Savings Incentive Fund]** **Mayor**

Ordinance amending the San Francisco Administrative Code by amending Section 10.20 to permit the suspension of appropriations from the Budget Savings Incentive Fund for any single fiscal year and to deposit the amounts in the Fund as of June 30, 2009, into the General Fund to assist in balancing the FY 2009-2010 budget.

(Supervisor Chu dissented in Committee.)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090724 **[Establishing a Cigarette Litter Abatement Fee]** **Mayor**

Ordinance amending the San Francisco Administrative Code (1) by adding a new Chapter 105 to establish a Cigarette Litter Abatement Fee of $.33 per pack of cigarettes sold in San Francisco to recover the cost of abating cigarette litter from City streets, sidewalks, and other public property and (2) by adding a new Section 10.100-46 to establish a Cigarette Litter Abatement Fund; amending the San Francisco Health Code, Article 19H, Section 1009.60 to include the failure to pay the Cigarette Litter Abatement Fee among the violations of Tobacco Control Laws for which the Director of the Department of Public Health may suspend a tobacco sales permit and impose administrative penalties; amending Article 6 of the San Francisco Business and Tax Regulations Code to include the Cigarette Litter Abatement Fee; and making environmental findings.

6/2/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090734 **[Amending Ordinance 125-08, which approved an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waived requirements of the** **Mayor, Supervisors Chiu, Alioto-Pier, Dufty**

Ordinance amending Ordinance 125-08, which authorized the Executive Director of the Port to execute an agreement with Cochran, Inc to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and exempted the agreement from the contracting requirements of the Administrative Code and Environment Code, to increase the amount of the contract to design, purchase, and install the shoreside power equipment, and to allow the Port to contract with Cochran, Inc. to operate and maintain said equipment for a period of three (3) years, for a total amount not to exceed $5,198,000.

(Fiscal Impact.)

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090631 **[Recreation and Park Department - Renaming Candlestick Park]** **Supervisors Dufty, Elsbernd**

Motion ordering submitted to the voters an ordinance authorizing the amending San Francisco Administrative Code Section 4.24 to allow the Recreation and Park Department to enter into an agreement for the naming of City-owned sports stadium located at Candlestick Point, and to use fifty percent of the revenue from the agreement to fund recreation center directors at an election to be held on November 3, 2009.

(Fiscal Impact.)

5/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

6/2/09, SUBSTITUTED. Supervisor Dufty submitted a substitute motion bearing new title.

6/2/09, ASSIGNED to Budget and Finance Committee.

Resolutions

090693 **[Treasure Island Development Authority Interim Budget]** **Mayor**

Resolution approving the Interim Budget of the Treasure Island Development Authority for fiscal year 2009-2010.

(Fiscal Impact.)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090694 **[Treasure Island Development Authority Budget]** **Mayor**

Resolution approving the Budget of the Treasure Island Development Authority for fiscal year 2009-2010.

(Fiscal Impact.)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090695 **[Approval of FY 2009-2010 Redevelopment Agency Budget and Bonds]** **Mayor**

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for FY 2009-2010 and approving the Issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed $87.5 million to finance a portion of redevelopment activities described in such approved Budget for FY 2009-2010.

(Fiscal Impact.)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090725 **[Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved]** **Mayor**

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: Budget Analyst (Board of Supervisors); LGBT Anti-violence Education and Outreach Program (District Attorney); body removal services-Medical Examiner, central shops security, convention facilities management, janitorial services, and security services (General Services Agency-City Administrator); security services-1680 Mission Street (General Services Agency-Public Works); mainframe system support (General Services Agency-Technology); absentee voter ballot distribution (Department of Elections); security services (Human Services Agency); Project S.A.F.E. (Police); and janitorial services (Sheriff).

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090726 **[Proposition J Contract/Certification of Specified Contracted-Out Services for San Francisco County Jail/ Fiscal Emergency]** **Mayor**

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for health services at San Francisco Jail, and concurring in determination of fiscal emergency.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090727 **[Proposition J Contract/Certification of Specified Contracted-Out Services under City Administrator/Fiscal Emergency]** **Mayor**

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for citywide janitorial services under the City Administrator, and concurring in determination of fiscal emergency.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090728 **[Proposition J Contract/Certification of Specified Contracted-Out Services for City Museums/Fiscal Emergency]** **Mayor**

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for security services for the Asian Art Museum and the Fine Arts Museum and concurring in finding of fiscal emergency.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090729 **[Proposition J Contract/Certification of Specified Contracted-Out Services for Department of Juvenile Probation/ Fiscal Emergency]** **Mayor**

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for food service in Juvenile Hall for the Department of Juvenile Probation, and concurring in determination of fiscal emergency.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090730 **[Proposition J Contract/Certification of Specified Contracted-Out Services for Department of Public Health/Fiscal Emergency]** **Mayor**

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for security services at Department of Public Health hospitals and clinics, concurring in finding of fiscal emergency.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090731 **[Proposition J Contract/Certification of Citywide Security Guard Services under the City Administrator/Fiscal Emergency]** **Mayor**

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for citywide security services at City Hall, the Department of Emergency Management and the Hall of Justice, and concurring in determination of fiscal emergency.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090735 **[Approving contract between the SFMTA and TJPA for Transbay Transit Center services]** **Supervisor Daly**

Resolution approving Contract No. CS -159 between the San Francisco Municipal Transportation Agency and the Transbay Joint Powers Authority for Transbay Transit Center program services.

(Fiscal Impact.)

6/2/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090736 **[Approval of one-year extension of contract for the San Francisco Treasurer/Tax Collector for software maintenance, support and development for collection of revenue for various City and** **Supervisor Dufty**

Resolution approving one-year extension of software maintenance, license, support and development contract for the San Francisco Treasurer/Tax Collector for services to collect revenue for various City and County departments.

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090737 **[Approval of Sustainable Crushing Ventures, LLC Lease]** **Supervisor Maxwell**

Resolution approving the Port Commission Lease No. L-14705 with Sustainable Crushing Ventures, LLC, for a five (5) year term with a five (5) year extension option for certain real property located at Pier 94, Seawall Lot 352 in the City and County of San Francisco

6/2/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090738 **[Accept and Expend Federal Grant - Port Commission - $1,800,000]** **Mayor**

Resolution authorizing the San Francisco Port Commission to accept and expend $1,800,000 in Federal American Recovery and Reinvestment Act grant funds from the State Water Resources Control Board to fund utility infrastructure improvements at the Pier 45 fish processing facility.

6/2/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090741 **[Authorizing City officials the ability to execute Homeland Security Grants]** **Supervisor Alioto-Pier**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of the California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California, including the following grants: State Homeland Security Grant Program, Metropolitan Medical Response System and Citizen Corps Program.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090742 **[Homeland Security Grants]** **Supervisor Alioto-Pier**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under various grant programs, including: the FY 09 Homeland Security Grant Program for the FY 09 Urban Areas Security Initiative (UASI) grant, the FY 09 Buffer Zone Protection Program (BZPP) grant, the FY 09 Regional Catastrophic Preparedness Grant Program (RCPGP), the FY 09 Interoperable Emergency Communications Grant Program (IECGP) and Public Law 110-329.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090743 **[Accept and Expend State Grant - Port of San Francisco - $25,000]** **Supervisor Alioto-Pier**

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $25,000 from the California Department of Fish and Game, Oil Spill Prevention and Response division for purchase of oil spill response equipment.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090744 **[2010 Census Count]** **Supervisors Chiu, Chu, Campos, Dufty, Mar, Avalos**

Resolution calling for an accurate, fair and inclusive count of all San Francisco residents in the 2010 Census.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090745 **[Urging the Metropolitan Transportation Commission to reallocate funds from highway expansion to public transit and environment- and community-friendly highway designs]** **Supervisors Chiu, Dufty, Mar**

Resolution urging the Metropolitan Transportation Commission and other local, regional and state agencies to re-allocate funds currently dedicated to regional highway expansion towards improvements to public transit in the region; urging MTC and other regional and state agencies to adopt management and design programs for state highways that lessen the environmental burdens imposed by highways on adjacent communities, and enhances mobility by sustainable transportation modes.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090746 **[Calling for an interagnecy task force to investigate and prosecute the existing SFPD Fraud Section backlog of reported fraud crime]** **Supervisors Dufty, Campos, Mirkarimi, Alioto-Pier, Chiu**

Resolution calling for the creation of an interagency task force of local authorities, federal authorities and businesses to investigate and prosecute fraud crime.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090747 **[Commending Helen Diller on her dedicated service to San Francisco]** **Supervisor Dufty**

Resolution commending Helen Diller on her dedicated service to the City and County of San Francisco through her contributions to health research, education and philanthropy.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090748 **[Recognizing the fortieth anniversary of the Stonewall Riots]** **Supervisors Dufty, Campos, Mirkarimi, Avalos**

Resolution recognizing the fortieth anniversary of the Stonewall Riots and the profound influence they have had on the fight for equality for LGBT Americans.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090749 **[State cuts to UC Hastings budget]** **Supervisors Elsbernd, Daly, Chiu, Mirkarimi, Alioto-Pier, Avalos, Campos, Chu, Dufty, Mar, Maxwell**

Resolution recognizing the educational, economic and pro-bono contributions of the University of California, Hastings - College of the Law to the State of California and the City and County of San Francisco, and urging the Governor and the California Legislature to reverse the Governor's proposal to eliminate all state funding for the school.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090750 **[Issuance and Sale of Revenue Bonds - 2235 Third Street Apartments]** **Supervisor Maxwell**

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in an aggregate principal amount not to exceed $50,000,000 for financing the acquisition, construction and rehabilitation of 2235 Third Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090751 **[Supporting an equitable split-roll property tax]** **Supervisors Mirkarimi, Chiu, Campos, Maxwell, Mar, Avalos**

Resolution urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a state constitutional amendment creating a split-roll property tax.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090752 **[Authorization of issuance of demolition permit to Kaiser Permanente]** **Supervisor Mirkarimi**

Resolution authorizing the issuance of a demolition permit by the San Francisco Planning Department and/or the Department of Building Inspection to Kaiser Permanente for residential property at 1401-1417 Divisadero.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090753 **[Selection of independent City auditors]** **Supervisor Mirkarimi**

Resolution selecting independent auditors for the Controller's office and the separately audited departments of the City and authorizing a two-year contract with the selected audit firm with five years worth of options for renewal.

(Fiscal Impact.)

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090754 **[Supporting a California Constitutional Amendment to restore majority rule to all budgetary and revenue issues decided by the State legislature]** **Supervisors Mirkarimi, Dufty, Mar, Avalos, Campos, Chiu**

Resolution urging San Francisco's California State legislative delegation to draft an amendment to the California Constitution restoring majority rule to all budgetary and revenue issues decided in the State of California.

6/2/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090776 **[Redevelopment Agency Interim Budget]** **Mayor**

Resolution approving an Interim Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2009-2010.

(Fiscal Impact.)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090586 **[Safe Streets and Road Repair General Obligation Bonds - $388,000,000]** **Mayor, Supervisors Chiu, Dufty, Mar, Alioto-Pier, Campos**

Resolution determining and declaring that the public interest and necessity demand the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $388,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that the proposed bond is not a project under the California Environmental Quality Act ("CEQA"); finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

(Fiscal Impact.)

5/12/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

6/2/09, SUBSTITUTED. Mayor Newsom submitted a substitute resolution bearing new title.

6/2/09, ASSIGNED to Budget and Finance Committee.

Requests for Hearing

090690 [Annual Budget, Fiscal Year 2009-2010] **Mayor**

Hearing to consider the Mayor's proposed budget for Fiscal Year 2009-2010.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090696 [Transfer of Function of Departments]

Hearing on notice of Transfer of Function of Departments pursuant to Charter Section 4.132. (Clerk of the Board)

6/1/09, RECEIVED AND ASSIGNED to Rules Committee.

090732 [Controller's Revenue Letter] **Supervisor Avalos**

Hearing to consider the Controller's Revenue Letter.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090733 [Impact of California State Budget on San Francisco's Budget] Supervisor Avalos

Hearing to consider the impact of California State Budget on San Francisco's Budget.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Charter Amendment

090607 [Requiring adequate taxi service, protecting public ownership of taxi medallions and other features of the medallion program, and ensuring the welfare of taxi drivers] **Supervisor Daly**

Charter Amendment (Second Draft) to add Section 8A.116 to require the Municipal Transportation Agency to determine the number and types of taxi permits sufficient to ensure adequate taxi service; to require that Agency regulations are consistent with certain principles that taxi medallions are a public asset that may not be sold, assigned, or transferred; that medallions may only be issued to natural persons, with a limit of one per person; that only application-related fees may be charged medallion applicants; that medallion applications will be considered in the order received, with preference given to applicants who have been active drivers since 2004, and that medallion holders must satisfy an annual driving requirement; and to require that the Agency provide for the welfare of medallion holders and active drivers, including health care, retirement, and disability.

5/19/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

6/2/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

6/2/09, SUBSTITUTED. Supervisor Daly submitted a substitute Charter Amendment bearing new title.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

090596 [Settlement of Lawsuit - Vivian Ross - $50,000]

Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for $50,000, the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al. (City Attorney)

5/15/09, RECEIVED AND ASSIGNED to Rules Committee.

090597 [Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - $30,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc. (Siemens Water Technology Corp.) by accepting the payment of $30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al (City Attorney)

5/15/09, RECEIVED AND ASSIGNED to Rules Committee.

090667 [Settlement of Lawsuit - King, et al. v. City and County of San Francisco - $63,500]

Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of $4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of $63,500 to plaintiffs and their counsel for damages and attorneys' fees. (City Attorney)

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

090670 [Temporary Parking Restrictions]

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 7.2.12, 7.2.26, 7.2.28, 7.2.29, 7.2.71, 7.2.101, 7.3.3, and 8.1 to change existing posting requirements for temporary parking restriction signs; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that exceeding the permissible use of a Special Traffic Permit is a violation of Section 7.2.71; provide that obstructing traffic four or more times within one year without a Special Traffic Permit, or in violation of the terms of a Special Traffic Permit, is a misdemeanor; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line; and to repeal noticing requirements for towing vehicles on public streets; repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park; and making revisions to clarify applicable restrictions and references to Division II. (Municipal Transportation Agency)

5/21/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

090598 **[Official Advertising for Fiscal Year 2009-2010]**

Resolution designating the Examiner as the official newspaper of the City and County of San Francisco for the categories of Type 1 and Type 2 official advertising, from July 1, 2009, through June 30, 2010. (Office of Contract Administration)

5/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090599 **[Outreach Advertising for Fiscal Year 2009-2010]**

Resolution designating the Bay Area Reporter to be the outreach newspaper of the City and County for the Gay, Lesbian, Bisexual community, and El Reportero to be the outreach newspaper of the City and County for the Hispanic community, to provide outreach advertising for Fiscal Year 2009-2010. (Office of Contract Administration)

5/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090668 **[Settlement of Unlitigated Claim - Barry Louis Mangels - $100,000]**

Resolution approving the settlement of the unlitigated claim filed by Barry Louis Mangels against San Francisco for $100,000; claim was filed on March 11, 2009. (City Attorney)

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

090669 **[Settlement of Potential Litigation - Dolly A. Cool - $84,126.98]**

Resolution authorizing settlement of potential litigation with Dolly A. Cool, individually and in her representative capacity as Trustee of The Cool Family Living Trust dated December 30, 1992, related to encroachments on San Francisco Public Utilities Commission Right of Way Land adjacent to 711 Esther Lane, Redwood City, CA for $84,126.98. (City Attorney)

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

355 Laguna
899 Divisadero
1501 Haight
398 Hayes
798 Haight
1609 Haight
500 Buchanan
580 Hayes
1022 Fell
568 Laguna
428 Haight
638 Stanyan
478 Haight
478-482 Haight
1875 Fell
546 Haight
581 Haight
1667 Haight
485 Scott
705 Haight
703 Webster
901 Haight
350 Laguna
546 Haight
575 Octavia
963 Haight
19 Buchanan
1317 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:
Utility Boxes
Northwest corner O'Farrell & Laguna
Southwest corner Scott & Haight
Southeast corner Fell & Buchanan
Northeast corner Post & Steiner
Northeast corner Divisadero & Fulton
Northeast & Southeast corners of Linden & Buchanan
Northwest corner Baker & Turk
Southwest corner Geary & Webster
Northwest corner Turk & Webster
Southwest corner Fell & Webster
Northeast corner Fell & Steiner
Southeast corner McAllister & Divisadero

Garbage Cans
Southeast corner Eddy & Laguna
South side of Haight & Lyon

Mailboxes
North side of Cole & Fulton
Northwest corner Haight & Stanyan

Potholes
On Scott near Pine (Northside of Scott street)
On Geary between Fillmore & Webster (south side of street)
On Geary, East of Steiner (south side of street)

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report an the status of removing graffiti from the following locations:
Metal Pole
Northeast corner Carl & Cole
Southwest corner California & Scott
Northeast corner Page & Buchanan
Southwest corner Page & Scott
Northwest corner Laguna & Scott
Northwest corner Masonic & Fulton
Southwest & Northwest corners Oak & Scott
North side of Central & Turk
In front of 2031 Turk
Northwest corner Pierce & Hayes
Southwest corner Steiner & Fulton
In front of 422 Fell
Southeast corner Divisadero & McAllister

Wood Poles
Southeast corner Central & Haight
In front of 500 Fillmore
In front of 1335 Hayes
In front of 968 Haight
In front of 498 Fell
Northwest corner Steiner & Hermann
Northwest corner Pierce & Haight

Bus Shelters
Southwest corner of Fillmore & McAllister
All four bus shelters on Haight & Fillmore (graffiti & grime)
Southwest corner Divisadero & Geary
Southwest corner Geary & Laguna
Southeast corner Hayes & Divisadero
On Hayes near Fillmore
On Fillmore near northeast corner of Hayes

South side of street on Buena Vista West & Haight
On the 500 block of Fillmore

In Memoriams

Margaret McInnis - Entire Board

Dr. George Tiller - Supervisor Alioto-Pier

Zaida Rodriquez - Supervisor Campos

Melvyn Lloyd Seid - Supervisor Chiu

Him Mark Lai - Supervisor Chiu

Col. William G. Applegate - Supervisor Elsbernd

Ronald Takaki - Supervisors Mar, Chu, Chiu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:43 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 30, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
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AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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June 09, 2009

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES
Tuesday, June 9, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:07 p.m.

CONSENT AGENDA

Recommendation of the Budget and Finance Subcommittee

090527 **[Public Employment and Accept and Expend Federal pass through State Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009; Mayor's Summer Food Service Program and the Afterschool Snack Program - 2009]** Mayor

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-09) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Their Families (CHF), and authorizing the department to accept and expend a grant in the amount of $885,127 currently and retroactively, if necessary, from the United States Department of Agriculture pass through the California Department of Education to sponsor the 2009 Mayor's Summer Food Service Program and the After School Snack Program.

(Fiscal Impact.)

Enacted Number: 97-09

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

090274 **[Planning - Union Street Neighborhood Commercial District - Small Self-Service Restaurants and Self-Service Specialty Food Uses]** Supervisor Alioto-Pier

Ordinance amending Planning Code Section 725.1, Section 725.44, and Section 725.69A of the Union Street Neighborhood Commercial District Zoning Control Table to provide for a limited number of new Small Self-Service Restaurants and Self-Service Specialty Food uses subject to conditional use authorization by the Planning Commission, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Enacted Number: 98-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Subcommittee

090287 **[State Video Franchise Holders]** **Supervisors Mirkarimi, Daly, Avalos**

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1, and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1, and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

(Supervisor Chu dissented in Committee.)

Enacted Number: 99-09

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090543 **[Revising Board of Appeals Filing Fees]** **Mayor**

Ordinance amending Article 1, Section 8, of the San Francisco Business and Tax Regulations Code, to increase specified Board of Appeals filing fees, to make technical corrections, and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090544 **[Revising Board of Appeals Surcharges]** **Mayor**

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to June 16, 2009.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090548 **[Appropriating $58,747,600 of capital lease revenue for the Advanced Meter Infrastructure Project at the Public Utilities Commission for Fiscal Year 2008-2009]** **Mayor, Supervisor Dufty**

Ordinance appropriating $58,747,600 of capital lease revenue for the Water Enterprises' Advanced Meter Infrastructure Project and the reimbursement of previously appropriated Water Enterprise Revenues for the same project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009 and placing the entire appropriation on Controller's reserve pending receipt of the funds.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

090636 **[CEQA Findings and Approval of Real Property Agreements for SFPUC Water System Improvement Program San Andreas Pipeline No. 3 Installation Project beginning at the San Pedro Valve Lot (SPVL) in Daly City to Merced Manor Reservoir (MMR) in San Francisco]** **Supervisor Elsbernd**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the San Andreas Pipeline No. 3 Installation Project, CUW 37901; directing the Clerk of the Board of Supervisors to notify the Controller of this action, making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; authorizing the SFPUC General Manager to execute the necessary agreements and deeds with John Daly Boulevard Associates, L.P., Monarch Ventures, L.P., Wilbak Investments, L.P. (Westlake Associates) to modify, relocate and quitclaim certain easement rights in real property located in the Westlake Villas areas along [illegible] Drive between John Daly Boulevard and the north property line of Lake Merced Golf Club in the City of Daly City, and authorizing the SFPUC General Manager to execute the necessary agreements and deeds with Parkmerced Investors Properties, LLC (Parkmerced) to modify, relocate and quitclaim certain easement rights in real property located in the Parkmerced develnpment from Brotherhood Way to 19th Avenue in the City and County of San Francisco.

Enacted Number: 226-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Budget and Finance Subcommittee

090473 **[Building and Housing Code - Code Enforcement Fees for One and Two-Family Rental Units]** **Supervisors Campos, Chiu, Daly, Mirkarimi, Avalos, Mar, Maxwell**

Ordinance amending the San Francisco Building Code Chapter 1A, Sectinn 110A, Table 1A-P, and the San Francisco Housing Code Chapter 3, Section 302 to authorize the Department of Building Inspection to charge a fee of $52.00 per unit to recover the cost of on going Housing Code enforcement services for one and two-family rental dwellings; and making environmental findings.

(Supervisor Chu dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090587 **[Appropriating $14,152,000 to support cost overruns at San Francisco General and Laguna Honda Hospitals in the Department of Public Health for Fiscal Year 2008-2009]** **Mayor**

Ordinance appropriating $14,152,000 including $12,051,000 from surplus hospital revenues at San Francisco General Hospital, $1,891,000 from surplus Department of Public Health General Fund revenues, and $210,000 from surplus hospital revenues at Laguna Honda Hospital, for cost overruns at San Francisco General Hospital and Laguna Honda Hospital in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090451 **[Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utilities]**

Resolution approving and authorizing the execution of a Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utility Amounts. (Treasure Island Development Authority)

(Fiscal Impact.)

Enacted Number: 227-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090652 **[First Amendment to Memorandum of Agreement Between the Treasure Island Development Authority and the San Francisco County Transportation Authority Relating to Yerba Buena Island Ramps]** **Mayor**

Resolution approving a First Amendment to the Memorandum of Agreement between the Treasure Island Development Authority and the San Francisco County Transportation Authority for project management services and consultant services for the preparation of a Project Report, Environmental Document and Project Engineering for the Yerba Buena Island Ramps in an amount not to exceed $8,800,000.

Enacted Number: 228-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090573 **[Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]**

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2009, to September 30, 2010. (Treasure Island Development Authority)

Enacted Number: 229-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090383 **[In Home Supportive Services Contract with IHSS Consortium of San Francisco - $83,444,020]**

Resolution approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2009, to June 30, 2013, in the amount of $83,444,020. (Human Services Department)

(Fiscal Impact.)

Enacted Number: 235-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090579 **[Approval of three contracts for the Department of Public Health totaling $84,322,248]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health to enter into three contracts providing mental health and substance abuse counseling services for clients enrolled in the CalWORK's Welfare to Work Program; integrated substance abuse, mental health and medical services for clients in the Opiate Treatment Program; and fiscal intermediary services related to the San Francisco Mental Health Plans for Community Behavioral Health Services (CBHS), Residential Care Facilities, Private Provider Network, Mental Health Wraparound Services, and Department's Housing and Urban Health's Emergency Housing Program for the terms of July 1, 2009, through June 30, 2014, and July 1, 2009, through June 30, 2012. (Public Health Department)

(Fiscal Impact.)

Enacted Number: 223-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090659 **[Amendment to contract with AMEC Geomatrix, Inc.]** **Mayor**

Resolution approving an amendment to the contract with AMEC Geomatrix, Inc. to extend the term through June 30, 2010, and to increase the contract by an amount not to exceed $180,000 for a new total amount not to exceed $1,619,000 for environmental consulting services.

Enacted Number: 230-09

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Campos, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

081404 **[Mandatory Recycling and Composting]** **Mayor, Supervisors Mirkarimi, Daly**

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1812, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing the current Section 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of $167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 19, Sections 1901 through 1912, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing current Sections 291.9 and 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of $167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

090557 **[Multi-year permit for the use of certain portions of Golden Gate Park for a three-day music festival]** **Supervisors Mar, Maxwell, Mirkarimi**

Resolution pursuant to S. F. Charter Section 9.118 authorizing and approving the execution, delivery and performance of a Permit to Another Planet Entertainment for the use of certain portions of Golden Gate Park for an annual three-day music festival for a term of three (3) years for an estimated income to the City of $3.6 million, plus an additional two (2) year option; and adopting environmental findings

Enacted Number: 231-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081525 **[Sale of City Property Subject to Declaration of Convenants]** **Mayor**

Ordinance authorizing the sale of twelve City-owned properties located along the former Central Freeway right of way and the newly constructed Octavia Boulevard by public auction or pursuant to negotiated purchase and sale agreements and subject to a declaration of covenants; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sales are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090026 **[Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]** **Supervisors Mirkarimi, Chiu, Mar**

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building, excluding the use of an Amended Certificate in RH-1 and RH-1(D) zoning districts; amending the Planning Code by adding Section 359 to provide that a requirement to pay a development impact fee prior to issuance of a certificate of occupancy shall include payment of the fee prior to issuance of an amended certificate of occupancy.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090638 **[Accept and Expend Grant - Department of Public Health - $1,925,719]** **Supervisors Maxwell, Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Corrections and Rehabilitation (CDCR) in the amount of $1,925,719 to expand the City's treatment capacity for mentally ill parolees; for the period of June 1, 2009, through June 30, 2012.

Enacted Number: 220-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

090600 **[Public Hearing - Report of assessment costs for sidewalk and curb repairs]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

Robert Quan, Street Use and Mapping, Public Works, presented the department's report.

The President inquired as to whether any member of the public wished to address the Board members.

Michael Skinner; objected to the assessment.

Male Speaker; objected to the assessment.

Gary Lynch; Monte Carlo Restaurant, objected to the assessment.

The President declared the public hearing closed.

FILED.

090601 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

The following properties were removed from the report of assessment costs for sidewalk and curb repairs ordered to be performed by the Director of Public Works: 2246 Francisco St., 1649 La Salle Ave., 1505 Quesada Ave.

Enacted Number: 225-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Reverend John Oda in recognition of his work in the community and the church.

COMMITTEE REPORTS

090630 **[Maintenance Agreement with Caltrans for various locations throughout the City]** **Supervisor Chu**

Resolution approving a Maintenance Agreement between the City and County of San Francisco and the State of California Department of Transportation (Caltrans) concerning maintenance work to be performed by the City in the State right-of-way at Junipero Serra Boulevard, Nineteenth Avenue, Cross-Over Drive, By-Pass Drive, Park Presidio Boulevard, Skyline Boulevard, Sloat Boulevard, James Lick Freeway, San Jose Avenue, Bayshore Freeway, Central Freeway, Mission Street, South Van Ness Avenue, Van Ness Avenue, Lombard Street, Richardson Street, Southern Freeway and ratifying certain actions in connection with this Resolution.

Enacted Number: 209-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090670 **[Temporary Parking Restrictions]**

Ordinance amending San Francisco Transportation Code, Division I, by amending Section 3.4 to change existing posting requirements for temporary parking restriction signs for parades, public assemblies, film production, conflagrations, building collapses and street obstructions and repairs. (Municipal Transportation Agency)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PUBLIC COMMENT

Abdullah Megaheed; expressed concern with various issues in Arabic and English.

Richard Robinson; expressed concern with issues relating to the trade imbalance with China.

James Chaffee; expressed concern with issues relating to the SF Public Library.

Champaine Brown, Serina Brown and Paula Brown; expressed concern with the investigations of the murders of Audrey Abrakasa Jr. and others.

Ms. Walters; expressed concern with issues relating to open space and parks.

Charles Mester; expressed concern with issues relating to unjustified persecution.

Richard McRee; expressed concern with issues relating to his patent for the Sigmund Stern Grove.

Male Speaker; expressed concern with issues relating to racism.

Female Speaker; expressed concern with issues relating to oil extraction tax and the budget.

Bruce Livingston; expressed concern with issues relating to alcohol tax.

Walter; shared in song certain issues with the Board.

Paul Stoll; expressed concern with issues relating to license fee increases.

Sasa Meritt; expressed concern with issues relating to license fee increases.

Male Speakers; expressed concern with various issues.

Leam Froth; expressed concern with issues relating to various police issues.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090743 **[Accept and Expend State Grant - Port of San Francisco - $25,000]** **Supervisor Alioto-Pier**

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $25,000 from the California Department of Fish and Game, Oil Spill Prevention and Response division for purchase of oil spill response equipment.

Enacted Number: 222-09

ADOPTED

090748 **[Recognizing the fortieth anniversary of the Stonewall Riots]** **Supervisors Dufty, Campos, Mirkarimi, Avalos**

Resolution recognizing the fortieth anniversary of the Stonewall Riots and the profound influence they have had on the fight for equality for LGBT Americans.

Supervisor Avalos requested to be added as a co-sponsor.

Enacted Number: 224-09

ADOPTED

090745 **[Urging the Metropolitan Transportation Commission to reallocate funds from highway expansion to public transit and environment- and community-friendly highway designs]** **Supervisors Chiu, Dufty, Mar**

Resolution urging the Metropolitan Transportation Commission and other local, regional and state agencies to re-allocate funds currently dedicated to regional highway expansion towards improvements to public transit in the region; urging MTC and other regional and state agencies to adopt management and design programs for state highways that lessen the environmental burdens imposed by highways on adjacent communities, and enhances mobility by sustainable transportation modes.

Supervisors Dufty and Mar requested to be added as co-sponsors.

Enacted Number: 234-09

ADOPTED

090747 **[Commending Helen Diller on her dedicated service to San Francisco]** **Supervisor Dufty**

Resolution commending Helen Diller on her dedicated service to the City and County of San Francisco through her contributions to health research, education and philanthropy.

Enacted Number: 221-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that these matters be severed so that they may be considered separately.

090741 **[Authorizing City officials the ability to execute Homeland Security Grants]** **Supervisor Alioto-Pier**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of the California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California including the following grants: State Homeland Security Grant Program, Metropolitan Medical Response System and Citizen Corps Program.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Budget and Finance Committee.

090742 **[Homeland Security Grants]** **Supervisor Alioto-Pier**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under various grant programs, including: the FY 09 Homeland Security Grant Program for the FY 09 Urban Areas Security Initiative (UASI) grant, the FY 09 Buffer Zone Protection Program (BZPP) grant, the FY 09 Regional Catastrophic Preparedness Grant Program (RCPGP), the FY 09 Interoperable Emergency Communications Grant Program (IECGP) and Public Law 110-329.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Budget and Finance Committee.

Supervisor Daly requested that this matter be severed so that it might be considered separately.

090744 **[2010 Census Count]** **Supervisors Chiu, Chu, Campos, Dufty, Mar, Avalos**

Resolution calling for an accurate, fair and inclusive count of all San Francisco residents in the 2010 Census.

Supervisors Mar and Avalos requested to be added as co-sponsors.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

090749 **[State cuts to UC Hastings budget]** **Supervisors Elsbernd, Daly, Chiu, Mirkarimi, Alioto-Pier, Avalos, Campos, Chu, Dufty, Mar, Maxwell**

Resolution recognizing the educational, economic and pro-bono contributions of the University of California, Hastings - College of the Law to the State of California and the City and County of San Francisco, and urging the Governor and the California Legislature to reverse the Governor's proposal to eliminate all state funding for the school.

The entire Board of Supervisors requested to be sponsors of this item.

Enacted Number: 236-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

090746 **[Calling for an interagnecy task force to investigate and prosecute the existing SFPD Fraud Section backlog of reported fraud crime]** **Supervisors Dufty, Campos, Mirkarimi, Alioto-Pier, Chiu**

Resolution calling for the creation of an interagency task force of local authorities, federal authorities and businesses to investigate and prosecute fraud crime.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution calling for an interagency task force of local authorities, federal authorities and businesses to investigate and prosecute fraud crime reported to the SFPD.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

090750 **[Issuance and Sale of Revenue Bonds - 2235 Third Street Apartments]** **Supervisor Maxwell**

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in an aggregate principal amount not to exceed $50,000,000 for financing the acquisition, construction and rehabilitation of 2235 Third Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

Amended on page 1, line 13 to insert "179-unit" in place of "200-unit."

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi requested that these matters be severed so that they may be considered separately.

090751 **[Supporting an equitable split-roll property tax]** **Supervisors Mirkarimi, Chiu, Campos, Maxwell, Mar, Avalos**

Resolution urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a state constitutional amendment creating a split-roll property tax.

Supervisors Mar and Avalos requested to be added as co-sponsors.

Continued to June 16, 2009.

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090753 **[Selection of independent City auditors]** **Supervisor Mirkarimi**

Resolution selecting independent auditors for the Controller's office and the separately audited departments of the City and authorizing a two-year contract with the selected audit firm with five year's worth of options for renewal.

(Fiscal Impact.)

Supervisor Mirkarimi requested that this matter be referred to Committee.

REFERRED to the Government Audit and Oversight Committee.

090754 **[Supporting a California Constitutional Amendment to restore majority rule to all budgetary and revenue issues decided by the State legislature]** **Supervisors Mirkarimi, Dufty, Mar, Avalos, Campos, Chiu**

Resolution urging San Francisco's California State legislative delegation to draft an amendment to the California Constitution restoring majority rule to all budgetary and revenue issues decided in the State of California.

Supervisors Mar and Avalos requested to be added as co-sponsors.

Continued to June 16, 2009.

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090752 **[Authorization of issuance of demolition permit to Kaiser Permanente]** **Supervisor Mirkarimi**

Resolution authorizing the issuance of a demolition permit by the San Francisco Planning Department and/or the Department of Building Inspection to Kaiser Permanente for residential property at 1401-1417 Divisadero.

Supervisor Mirkarimi requested that this matter be referred to Committee.

REFERRED to the Land Use and Economic Development Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090795 **[Prohibiting City employees and officers from raising funds for City departments]** **Supervisor Daly**

Ordinance adding a new Chapter 5 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.500, 3.505, 3.510 and 3.515, to prohibit City employees and officers from soliciting donations to nonprofit organizations to fund City departments from persons doing business with those departments.

6/9/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/9/2009. Referred to Ethics Commission for comment on 6/15/09.

090800 **[Establishing Carbon Mitigation Program]** **Mayor, Supervisor Dufty**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 52 to establish the San Francisco Carbon Mitigation Program administered by the Department of the Environment to reduce or offset local greenhouse gas emissions and making environmental findings.

(Supervisor Chu dissented in Committee.)

6/9/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090134 **[0.50% Sales Tax Increase for Health and Human Services and Public Protection]** **Supervisor Avalos**

Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide support for health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the November 3, 2009, election.

(Economic Impact)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/06/09 - Referred to the Small Business Commission, Retirement Board, and the Ethics Commission for review and comment.

2/24/09, RE-REFERRED to Budget and Finance Committee.

6/9/09, SUBSTITUTED. Supervisor Avalos submitted a substitute ordinance bearing new title.

6/9/09, ASSIGNED to Budget and Finance Committee.

Resolutions

090740 **[Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture]** **Supervisors Mar, Maxwell, Mirkarimi, Daly**

Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture and to drop the charges against the "San Francisco B" defendants.

6/9/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090796 **[Recurring FY 2009-2010 State grant funds to the Department of Public Health]** **Supervisor Dufty**

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health for FY 2009-2010.

(Fiscal Impact.)

6/9/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090797 **[Accept and Expend Grant - Department of Public Health - $1,925,719]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Corrections and Rehabilitation (CDCR) in the amount of $1,925,719 to expand the City's treatment capacity for mentally ill parolees; for the period of June 1, 2009, through June 30, 2012.

6/9/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090798 **[Bayview Hunters Point Redevelopment Project Area C Interim Controls Extension]** **Supervisor Maxwell**

Resolution extending the imposition of interim zoning controls for an additional six (6) months in the area designated as "Area C" in the Bayview Hunters Point Redevelopment Survey Area, an area generally bounded by Jennings Street, Hunters Point Boulevard, Innes Avenue, Earl Street and the San Francisco Bay by requiring a conditional use permit for all new construction, changes of use, alterations that expand the building envelope and demolitions, except for alterations of a lawfully existing use in the M-1, M-2 or NC-2 zones, or the establishment of or a change of use on the ground floor of a principally permitted use in the NC-2 area; by specifying criteria to be applied in the evaluation of a conditional use permit application; and adopting findings.

6/9/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090799 **[UCSF Medical Center Mission Bay Helipad Project]** **Supervisors Maxwell, Dufty**

Resolution approving the proposed helipad at the UCSF Medical Center at Mission Bay under California Public Utilities Code Section 21661.5 and adopting environmental findings under the California Environmental Quality Act, including a mitigation monitoring and reporting program and a statement of overriding considerations.

6/9/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090803 **[Opposing Governor's proposal to eliminate the San Francisco Bay Conservation and Development Commission]** **Supervisors Chiu, Maxwell**

Resolution urging Governor Schwarzenegger and the State Legislature to not eliminate the San Francisco Bay Conservation and Development Commission.

6/9/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090804 **[Extending the life of Western SoMa Citizens Planning Task Force]** **Supervisor Daly**

Resolution extending the life of the Western SoMa Citizens Planning Task Force.

6/9/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090805 **[Urging the State of California to fund HIV/AIDS programs proposed for cuts in the FY 2009-2010 State budget]** **Supervisors Dufty, Campos, Daly, Mirkarimi**

Resolution calling on the Governor and California Legislature to fully fund HIV/AIDS programs proposed to be cut in the FY 2009-2010 State budget.

6/9/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090806 **[Commending Sandy Lee of the Recreation and Park Department for 34 years of service]** **Supervisor Dufty**

Resolution commending Sandy Lee of the Recreation and Park Department upon the occasion of her retirement after 34 years of service.

6/9/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090807 **[Accept and Expend Grant - Department of Public Health - $15,369]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of $15,369 from the University of California, San Francisco (UCSF), the primary contractor, with funds from the Futures Group International, to support a project entitled "Project SEARCH Nigeria HIV Prevention Project;" for the period of April 1, 2009, through September 30, 2009.

6/9/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

090794 **[Submission of Parcel Tax to voters]** **Supervisors Avalos, Mirkarimi**

Motion ordering submitted to the voters an "Ordinance amending the Business and Tax Regulations Code of the City and County by adding Article 18, Parcel Tax, and amending Article 6, Common Administrative Provisions, to include appropriate cross-reference to new Article 18," at an election to be held on November 3, 2009.

(Economic Impact.)

6/9/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 7/9/2009.

090801 **[Committee of the Whole - Health service reductions (Beilenson Hearing) June 16, 2009, at 3:00 p.m.]**

Motion scheduling the Board to sit as a Committee of the Whole to consider health service reductions (Beilenson Hearing), to be held on June 16, 2009, at 3:00 p.m.

6/9/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Hearings

090792 **[San Francisco Unified School District FY 2009-2010 spending plans]** **Supervisor Avalos**

Hearing to consider the San Francisco Unified School District (SFUSD) FY 2009-2010 spending plans for the Education Fund and the Rainy Day Reserve Funds allocated by the City to the SFUSD.

6/9/09, RECEIVED AND ASSIGNED to City and School District Select Committee.

090793 **[San Francisco Airport compliance with Ordinance 81-08, Climate Change Goals and Ordinance 199-08, Commuter Benefits]** **Supervisor Mirkarimi**

Hearing before the Government Audits and Oversight Committee for the Director of the San Francisco Airport to outline the actions and programs undertaken to comply with Ordinance 81-08, Climate Change Goals and Ordinance 199-08, Commuter Benefits as well as current Airport policy regarding employee and vendor transportation, parking and commuting subsidies.

6/9/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090802 **[Committee of the Whole - Beilenson Hearing]**

Hearing to consider the Department of Public Health's budget eliminating or reducing medical services.

6/9/09, SCHEDULED FOR PUBLIC HEARING. Pursuant to File 090801, Board to sit as a Committee of the Whole on June 16, 2009 at 3:00 p.m. 6/1/09 - Received electronic communication from Jenny Louie, Budget Director of Health informing that DPH posted written public notice of the FY 2009-2010 Budget reductions pursuant to CA Health & Safety Code Section 1442.5 subject to Beilenson Hearing. 6/1/09 - Public notice posted on Board of Supervisors kiosk.

PROPOSED RESOLUTIONS

090755 **[Street Artist Spaces]**

Resolution approving permanent designation of nine (9) former temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone. (Arts Commission)

5/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090756 **[Approval of FY 2009-2010 Expenditure Plan for the Human Services Care Fund]**

Resolution approving the FY 2009-2010 Expenditure Plan for the Human Services Care Fund. (Human Services Department)

(Fiscal Impact.)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090757 **[Nineteenth Amendment to the Treasure Island Event Venues Master Lease]**

Resolution retroactively approving the Nineteenth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090758 **[Twentieth Amendment to the Treasure Island Event Venues Master Lease]**

Resolution retroactively approving the Twentieth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to add the unimproved lot surrounding Building 449 to the Leased Premises. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090759 **[Thirtieth Amendment to the Treasure Island Land and Structures Master Lease]**

Resolution retroactively approving the Thirtieth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090760 **[Thirty-First Amendment to the Treasure Island Land and Structures Master Lease]**

Resolution retroactively approving the Thirty-First Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Building 202 to the Leased Premises. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090761 **[Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease]**

Resolution retroactively approving the Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Redevelopment Authority and the U.S. Navy to add Buildings 29, 157, 215, 225, 261A, 264, 292, 401 and the lot surrounding Building 450 in the Leased Premises. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090762 **[Twelfth Amendment to the Treasure Island Marina Master Lease]**

Resolution retroactively approving the Twelfth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090763 **[Twenty-Third Amendment to the Treasure Island South Waterfront Master Lease]**

Resolution retroactively approving the Twenty-Third Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090764 **[Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease]**

Resolution retroactively approving the Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Buildings 355, 385, 454, 501 and the portion of Avenue I between 3rd Street and California Avenue to the Leased Premises. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090765 **[80 Charter Oak Street Lease Amendment]**

Resolution authorizing a Lease Amendment to extend the term for five years for real property at 80 Charter Oak Street for the San Francisco Municipal Transportation Agency. (Real Estate Department)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090766 **[1975-1999 Bryant Street Lease Amendment]**

Resolution authorizing a Lease Amendment to extend the term for five years for real property at 1975-1999 Bryant Street for the San Francisco Municipal Transportation Agency. (Real Estate Department)

(Fiscal Impact.)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Avalos
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft legislation to create an Alcohol Mitigation Fee.

From: Supervisor Avalos
To: City Controller
Requesting/Inquiring: Requesting the City Controller to coordinate a nexus study assessing the impact of alcohol consumption on City services and the costs associated with these services.

From: Supervisors Dufty and Maxwell
To: Director, Art Commission
To: City Hall Preservation Advisory Commission
Requesting/Inquiring: Requesting that the Art Commission and City Hall Preservation Advisory Commission to report to the Board of Supervisors on the possibility of providing a home to the statue of Thomas Starr King that was recently removed from the U.S. Capitol.

The statue of Thomas Starr King is slated to be displayed in the U.S. Capitol through 2010 and then its future is to be determined

Could the statue be brought to City Hall for long-term or permanent display?

From: Supervisor Mirkarimi
To: Chief, Police Department

To: Chief, Fire Department
To: Director, Department of Public Works
To: Controller
Requesting/Inquiring: Inquiring of the Chief of Police, Chief of Fire Department, Controller, as well as the Director of Public Works as to the expense incurred to the City consequent to the Pacific Gas and Electric vault fire of June 5, 2009. Such accounting for said expense shall include, but not be limited to, personnel costs for fire suppression and traffic control, equipment and supplies consumed, estimated expense of road or other City infrastructure repair, and the cost incurred by citizens and ratepayers.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:
505 Divisadero
473 9th Avenue
401 Judah
350 Laguna
501 Waller
463 Broderick
423 Broderick
901 Oak
220 Pierce
1752 Fillmore
1742 Fillmore
1646 Sutter
1619 Laguna
1215 Laguna
875 Fulton
959 Haight

1301 Haight
1605 Haight
477 Fulton
420 Haight
1008 Page
1116 Haight
799 Haight
698 Haight
681 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:
Metal Pole
North side Central & Turk
Southeast corner 10th Avenue & Irving
Northeast corner McAllister & Fulton
Southeast & Southwest corners Fulton & Webster
Southwest corner Pierce & Haight
Southwest corner Haight & Shrader
In front of 1116 Haight
Southeast corner Stanyan & Fulton

Wood Poles
Southeast corner McAllister & Fulton

Bus Shelters
Southeast corner Stanyan & Haight
Southwest corner Divisadero & Geary
Northeast corner Masonic & Fulton
Southwest corner Hayes & Scott
Southwest corner Pierce & Haight
All four bus shelters on Haight & Fillmore (graffiti & grime)

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:
Utility Boxes
Northeast corner Oak & Laguna
Northeast corner Oak & Broderick
In front of 1116 Oak
Northeast corner Masonic & Fell
Northwest corner Webster & Fulton
Northwest corner Baker & Fulton
Northeast corner Webster & Fell
Northeast corner Scott & Oak
Northeast corner Geary & Divisadero
Southwest corner Baker & Fell

Garbage Cans
Southeast corner Hayes & Stanyan
Northwest Masonic & Fulton
Southeast corner Central & Haight

Mailboxes
Northeast Fell & Buchanan
Northwest corner Pierce & Haight
Southeast corner Bush & Buchanan

Emergency Boxes
Southwest corner Steiner & Fulton
Southeast corner Hoyes & Central
Northeast corner Poge & Buchonon
Southeast corner Fell & Stonyan

Potholes
On Fillmore near Hayes, west side of street

In Memoriams

John F. "Jack" Henning - Supervisor Alioto-Pier

Max Leavitt - Supervisors Dufty and Alioto-Pier

Frederick Sonenberg - Supervisor Dufty

Scott James Ghilorducci - Supervisor Dufty

Sister Mary Rose Therese Sousa - Supervisor Dufty

Mary Thereso Sconlon - Supervisor Dufty

Patricio Ann Jensen Schindler - Supervisor Dufty

Thomas B. Doyle - Supervisor Elsbernd

Luke Cole - Supervisor Mar

Dr. Kenji Murase - Supervisor Mar

Merl Saunders - Supervisor Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:46 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on July 14, 2009.

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翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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June 16, 2009

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES

Tuesday, June 16, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*Sean Elsbernd.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisors Alioto-Pier and Elsbernd were noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:10 p.m.

Supervisor Alioto-Pier was noted absent at 2:30 p.m.; was noted present at 2:35 p.m.

Supervisor Daly was noted absent at 2:50 p.m.; was noted present at 3:01 p.m.

Supervisor Elsbernd Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to excuse Supervisor Elsbernd from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of May 19, 2009, and May 27, 2009. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090543 [Revising Board of Appeals Filing Fees] Mayor

Ordinance amending Article 1, Section 8, of the San Francisco Business and Tax Regulations Code, to increase specified Board of Appeals filing fees, to make technical corrections, and making environmental findings.

Enacted Number: 102-09

FINALLY PASSED

Recommendation of the Budget and Finance Subcommittee

090587 **[Appropriating $14,152,000 to support cost overruns at San Francisco General and Laguna Honda Hospitals in the Department of Public Health for Fiscal Year 2008-2009]** **Mayor**

Ordinance appropriating $14,152,000 including $12,051,000 from surplus hospital revenues at San Francisco General Hospital, $1,891,000 from surplus Department of Public Health General Fund revenues, and $210,000 from surplus hospital revenues at Laguna Honda Hospital, for cost overruns at San Francisco General Hospital and Laguna Honda Hospital in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

Enacted Number: 96-09

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

090628 **[Accept and Expend Grant - Department of Public Health - $200,000]** **Supervisors Campos, Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $200,000 from the Metta Fund to support the Healthy San Francisco (HSF) program evaluation for the period of April 29, 2009, through April 28, 2011.

Enacted Number: 238-09

ADOPTED

090629 **[Accept and Expend Grant - Department of Public Health - $50,000]** **Supervisors Campos, Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $50,000 from the Commonwealth Fund to support the Healthy San Francisco program evaluation for the period of March 1, 2009, through February 28, 2010.

Enacted Number: 239-09

ADOPTED

090632 **[Accept and Expend Grant - Department of Public Health - $102,421]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend funds from the Foundation for AIDS Research (amfAR) in the amount of $102,421 to support the HIV Epidemiology project entitled "Assessing Internet Users Preferences for Structural and Network Interventions;" for the period of January 1, 2009, through December 31, 2009.

Enacted Number: 240-09

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090670 **[Temporary Parking Restrictions]**

Ordinance amending San Francisco Transportation Code, Division I, by amending Section 3.4 to change existing posting requirements for temporary parking restriction signs for parades, public assemblies, film production, conflagrations, building collapses and street obstructions and repairs. (Municipal Transportation Agency)

Enacted Number: 95-09

FINALLY PASSED

081525 **[Sale of City Property Subject to Declaration of Convenants]** **Mayor**

Ordinance authorizing the sale of twelve City-owned properties located along the former Central Freeway right of way and the newly constructed Octavia Boulevard by public auction or pursuant to negotiated purchase and sale agreements and subject to a declaration of covenants; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sales are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance.

Enacted Number: 104-09

FINALLY PASSED

090026 **[Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]** **Supervisors Mirkarimi, Chiu, Mar**

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building, excluding the use of an Amended Certificate in RH-1 and RH-1(D) zoning districts; amending the Planning Code by adding Section 359 to provide that a requirement to pay a development impact fee prior to issuance of a certificate of occupancy shall include payment of the fee prior to issuance of an amended certificate of occupancy.

Enacted Number: 103-09

FINALLY PASSED

Recommendations of the Rules Committee

090501 **[Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling $5,923,143.27]**

Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003, as JM8 Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of $4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of $4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay $950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees. (City Attorney)

PASSED ON FIRST READING

090595 **[Settlement of Lawsuit - Daniel Alvarenga - $82,500]**

Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for $82,500, the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090596 **[Settlement of Lawsuit - Vivian Ross - $50,000]**

Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for $50,000; the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090597 **[Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - $30,000]**

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc. (Siemens Water Technology Corp.) by accepting the payment of $30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al. (City Attorney)

PASSED ON FIRST READING

090667 **[Settlement of Lawsuit - King, et al. v. City and County of San Francisco - $63,500]**

Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of $4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of $63,500 to plaintiffs and their counsel for damages and attorneys' fees. (City Attorney)

PASSED ON FIRST READING

090500 **[Approval of settlement for 800 MHz reconfiguration with Sprint/Nextel]**

Resolution approving settlement of administrative action before the Federal Communications Commission, WT docket No. 02-55, involving the City and County of San Francisco against the Sprint/Nextel Corporation for the reconfiguration of the City's 800 MHz Radio Communications System. (City Attorney)

Enacted Number: 246-09

ADOPTED

090668 **[Settlement of Unlitigated Claim - Barry Louis Mangels - $100,000]**

Resolution approving the settlement of the unlitigated claim filed by Barry Louis Mangels against San Francisco for $100,000; claim was filed on March 11, 2009. (City Attorney)

Enacted Number: 244-09

ADOPTED

090669 **[Settlement of Potential Litigation - Dolly A. Cool - $84,126.98]**

Resolution authorizing settlement of potential litigation with Dolly A. Cool, individually and in her representative capacity as Trustee of The Cool Family Living Trust dated December 30, 1992, related to encroachments on San Francisco Public Utilities Commission Right of Way Land adjacent to 711 Esther Lane, Redwood City, CA for $84,126.98. (City Attorney)

Enacted Number: 243-09

ADOPTED

090662 **[Appointment, Power Plant Task Force - Malik Looper]**

Motion appointing Malik Looper, term ending December 31, 2009, to the Power Plant Task Force.

Malik Looper, seat 10, succeeding Al Collins, resigned, must be the executive director of Literacy for Environmental Justice or his/her designee, for a term ending December 31, 2009.

Enacted Number: M09-114

APPROVED

090497 **[Appointments - Treasury Oversight Committee - Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom and Richard Sullivan]**

Motion appointing Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom (residency requirement waived) and Richard Sullivan, terms ending June 5, 2013, to the Treasury Oversight Committee. (Treasurer-Tax Collector)

Enacted Number: M09-115

APPROVED

090664 **[Appointment, SRO Task Force - Jeffrey Buckley]**

Motion appointing Jeffrey Buckley, term ending December 31, 2009, to the SRO Task Force.

Jeffrey Buckley, seat 6, succeeding Luis Barahona, resigned, must be a representative of the Central City SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2009.

Enacted Number: M09-116

APPROVED

090666 **[Appointment, San Francisco Health Authority - Steven Fugaro]**

Motion appointing Steven Fugaro, term ending January 15, 2012, to the San Francisco Health Authority, residency requirement waived.

Steven Fugaro, seat 8, succeeding Robert Lull, deceased, must be a physician, and nominee of SF Medical Society, or any successor organization, for the unexpired portion of a three-year term ending January 15, 2012.

Enacted Number: M09-117

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090544 **[Revising Board of Appeals Surcharges]** **Mayor**

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090548 **[Appropriating $58,747,600 of capital lease revenue for the Advanced Meter Infrastructure Project at the Public Utilities Commission for Fiscal Year 2008-2009]** **Mayor, Supervisor Dufty**

Ordinance appropriating $58,747,600 of capital lease revenue for the Water Enterprises' Advanced Meter Infrastructure Project and the reimbursement of previously appropriated Water Enterprise Revenues for the same project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009 and placing the entire appropriation on Controller's reserve pending receipt of the funds.

(Fiscal Impact)

Enacted Number: 101-09

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier
Excused: 1 - Elsbernd

Recommendation of the Budget and Finance Subcommittee

090473 **[Building and Housing Code - Code Enforcement Fees for One and Two-Family Rental Units]** **Supervisors Campos, Chiu, Daly, Mirkarimi, Avalos, Mar, Maxwell**

Ordinance amending the San Francisco Building Code Chapter 1A, Section 110A, Table 1A-P, and the San Francisco Housing Code Chapter 3, Section 302 to authorize the Department of Building Inspection to charge a fee of $52.00 per unit to recover the cost of on-going Housing Code enforcement services for one and two-family rental dwellings; and making environmental findings.

(Supervisor Chu dissented in Committee.)

Enacted Number: 105-09

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier
Excused: 1 - Elsbernd

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Chu
Excused: 1 - Elsbernd

Recommendation of the Government Audit and Oversight Committee

081404 **[Mandatory Recycling and Composting]** **Mayor, Supervisors Mirkarimi, Daly**

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1812, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing the current Section 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of $167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

Enacted Number: 100-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Chu
Excused: 1 - Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance

090691 **[Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2009-2010]** **Mayor**

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year June 30, 2010.

(Fiscal Impact.) (Supervisor Chu and Supervisor Dufty dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Dufty
Excused: 1 - Elsbernd

090692 **[Interim Annual Salary Ordinance, Fiscal Year 2009-2010]** **Mayor**

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds andappropriated in the Annual Appropriation Ordinance, authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof, and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.) (Supervisor Chu and Supervisor Dufty dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Dufty
Excused: 1 - Elsbernd

090693 **[Treasure Island Development Authority Interim Budget]** **Mayor**

Resolution approving the Interim Budget of the Treasure Island Development Authority for fiscal year 2009-2010

(Fiscal Impact.)

Enacted Number: 247-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Recommendations of the Budget and Finance Subcommittee

090588 **[Building Code - fee adjustment]** **Mayor, Supervisor Chiu**

Ordinance amending the Building Code to amend various sections and fee schedule tables concerning fees, permits requirements and terms, inspections, and other actions; and adopting environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090589 **[Electrical Code - permit expiration]** **Mayor, Supervisors Chiu, Chu**

Ordinance amending Electrical Code Section 89.1.22 concerning permit expiration and partial refund of fees.

Supervisor Chu requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090590 **[Plumbing Code - permit expiration]** **Mayor, Supervisors Chiu, Chu**

Ordinance amending Plumbing Code Section 103.3.4.1 concerning permit expiration and partial refund of fees.

Supervisor Chu requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

From the Budget and Finance Subcommittee Without Recommendation

090633 **[Contract with Titan Outdoor for advertising on San Francisco Municipal Transportation Agency (SFMTA) vehicles and other property]** **Supervisor Dufty**

Resolution authorizing the San Francisco Municipal Transportation Agency (SFMTA) to execute a transit advertising contract with Titan Outdoor LLC, for a term commencing July 1, 2009, and ending June 30, 2014, which offers a minimum guarantee to the SFMTA of $22,102,525 over the term of the contract.

Gail Stein, MTA, responded to questions raised throughout the discussion.

Enacted Number: 248-09

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Elsbernd

Recommendations of the Government Audit and Oversight Committee

090639 **[MOU, Amendment #2 - Union of American Physicians and Dentists (Unit 11-AA)]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090640 **[MOU, Amendment #1 - Multiple Unions (Crafts Coalition)]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090641 **[MOU, Amendment #1 - San Francisco Institutional Police Officers' Association]** **Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090642 **[MOU - International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]** **Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2009 through June 30, 2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090643 **[MOU, Amendment #1 - Municipal Executives' Association Fire]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090644 **[MOU, Amendment #1 - Municipal Executives' Association Police]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090645 **[MOU, Amendment #1 - San Francisco Police Officers' Association (P1 and P2A)]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P1 and P2A) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Elsbernd

090646 **[MOU, Amendment #1 - San Francisco Police Officers' Association (P2-B)]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P2-B) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Elsbernd

090647 **[MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)]** **Mayor**

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the Cityand County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090648 **[MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)]** **Mayor**

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the Cityand County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090649 **[MOU, Amendment #3 - Union of American Physicians and Dentists (Unit 8-CC)]** **Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090650 **[Unrepresented Employees]** **Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090673 **[MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 200]** **Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, by extending the terms of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090674 **[MOU, Amendment #1 - San Francisco Deputy Probation Officers' Association]** **Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090675 **[MOU, Amendment #1 - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]** **Mayor**

Ordinance adopting and implementing the Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090676 **[MOU, Amendment #3 - Service Employee International Union, Local 1021]** **Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090677 **[MOU, Amendment #1 - Service Employee International Union, Staff Per Diem Nurses, Local 1021]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff & Per Diem Nurses by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal year 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090680 **[MOU, Amendment #1 - District Attorney Investigators' Association]** **Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090681 **[MOU, Amendment #1 - Committee of Interns and Residents, Service Employee International Union, Local 1021]** **Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the California Association of Interns and Residents/Committee of Interns and Residents, SEIU, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090682 **[MOU, Laborers International Union, Local 261]** **Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local No. 261, to be effective July 1, 2009, through June 30, 2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090683 **[MOU, Stationary Engineers, Local 39]** **Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating and Stationary Engineers, Local 39, to be effective July 1, 2009, through June 30, 2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090684 **[MOU, Amendment #2 - Operating Engineers, Local 3]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Continued to June 23, 2009.

Supervisor Mar, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090685 **[MOU, Amendment #3 - San Francisco Municipal Attorneys' Association]** **Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090686 **[MOU, Amendment #2 - Machinists Union, Local 1414, International Association of Machinists & Aerospace Workers, Machinists Automotive Trades District Lodge 190]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090687 **[MOU, Amendment #3 - Municipal Executives' Association, Misc.]** **Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090688 **[MOU, Amendment #2 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090689 **[MOU, Amendment #2 - International Federation of Professional and Technical Employees, AFL-CIO, Local 21]** **Mayor**

Ordinance adopting and implementing the Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Employees, AFL-CIO, Local 21, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Recommendations of the Land Use and Economic Development Committee

090392 **[Zoning - Ordinance amending Planning Code Section 309.1]**

Ordinance amending Section 309.1 to the Planning Code to allow a design review exception for Downtown Residential districts permitting minor height measurement modifications that could otherwise be modified as a Planned Unit Development pursuant to Section 304. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Absent: 1 - Alioto-Pier
Excused: 1 - Elsbernd

090420 **[India Basin Industrial Park, Special Use District Amendment]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by amending Section 249.42 to exempt the India Basin Industrial Park Special Use District from minimum off-street parking requirements; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier
Excused: 1 - Elsbernd

090402 **[Zoning - New Controls for Massage Establishments]** **Mayor, Supervisors Chu, Chiu**

Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, as defined, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; amending Planning Code Sections 790.114 and 890.114, to add massage establishments that employ only state-certified massage practitioners to the definitions of Medical Services in the Neighborhood Commercial Districts and Mixed Use Districts, respectively; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier
Excused: 1 - Elsbernd

090403 **[Penalties for violation of Massage Practitioner Licensing and Regulation Ordinance]** **Mayor, Supervisor Chu**

Ordinance amending Health Code Sections 1918 and 1928 to change the hours of permitted operation for massage establishments and to revise the penalties for violating Health Code Sections 1900 et seq., adding Health Code Section 1928.1 to provide for payment of the costs of administrative and other proceedings, and adding Health Code Section 1928.2 to provide for criminal penalties.

Dr. Rajiv Bhatia, DPH, responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly
Excused: 1 - Elsbernd

Recommendations of the Rules Committee

090602 **[Confirming the appointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors]**

Motion confirming the appointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors for the unexpired portion of a four-year term ending February 26, 2010. (Mayor)

(Directors appointed by the Mayor who are not City Officers, their appointment(s) shall be effective upon the approval of such appointment(s) by a majority of the Board of Supervisors. Transmittal date - May 19, 2009)

Continued to June 23, 2009.

Supervisor Dufty, seconded by Supervisor Avalos, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly
Excused: 1 - Elsbernd

From the Rules Committee Without Recommendation

090007 **[Charter Amendment - Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]** **Supervisors Elsbernd, Chu**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to prohibit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.

Continued to June 23, 2009.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Elsbernd

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

090802 **[Committee of the Whole - Beilenson Hearing]**

Hearing to consider the Department of Public Health's budget eliminating or reducing medical services.

The President opened the public hearing and inquired as to whether any member of the public wished to address the Board members.

Richard; Phillip Collins; Female Speaker; Nathan Slowinski; Male Speaker; Keith Kemp; Male Speaker; Colin Asperee; Female Speaker; Female Speaker; Abdullah Megaheed; Gabriel Shinn; Denise Coleman; Female Speaker; Female Speaker; Feliz Juma; Dino Diodati; Judith Segundom; Greg Kamin; Female Speaker; Pamela Wilson; Dale Eagle; Brenda Storey; Laura Guzman; Linda Fetter Bob Rybicki; Cameron Amerie; Gail Hilman; Adam; Kym Meadows; Male Speaker; Debra Walker; Female Speaker; Margaret; Robert Solis; Female Speaker; Sarah Richmond; Female Speaker; Anamaria Loyo; Julio Loyola; Julia Dean; Albert James; Female Speaker, Male Speaker; Peter Masiak; Efren Sandoval; Eric Quezada; Chris Kirby; John Power; Mike; Male Speaker; Jackie Jenks; Jeannie Little; Paul Martin; Damien Chacona; Jacienda Leon; Male Speaker; Female Speaker; Ed Kinchley; Alex Tom; Mel Beette; Lucia Sommers; Karl Griffin; Mark Sigam; Sean Mikes; Georgio; Eric Gaines; Joe Covain; Male Speaker; Male Speaker; Male Speaker; Frank Martin Del Campo; Male Speaker; Denice Dorey; Susan Marsh; Michael Lyon; Kay Walker; Herbert Weiner; Male Speaker; Walter James; Kavoos Bassiri; Female Speaker; Michael Guzman; Fred Johnson; Dr. Angela Angstmann; Janet Roy; Max Cappensol; Justine Tam-Middleton; Female Speaker; James Keys; Leslie Derme; Male Speaker; Denise Macke; Brenda Barros; Male Speaker; Jace Anderson; Erica Arteseros; Horner Davis; Jennifer Friedabach; Ari Gubner; Aaron Buchbinder; Janice Day; Erica Cassanova, and Betty Lerman; expressed concerns with the proposed reductions in the budget for the Department of Public Health. There were no other speakers.

The President declared the public hearing closed.

FILED.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Supervisor Campos introduced, welcomed, and presented Certificates of Honor to Mission Graduates: Marfeli Luna, Danelia Lopez, Gerardo Juarez, and Gabriela Herrerra upon their graduation and in recognition of their accomplishments.

COMMITTEE REPORT

090740 **[Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture]** **Supervisors Mar, Maxwell, Mirkarimi, Daly**

Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture and to drop the charges against the "San Francisco 8" defendants.

Continued to July 7, 2009.

Supervisor Mar, seconded by Supervisor Avalos, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Dufty
Excused: 1 - Elsbernd

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

There were no speakers.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090801 **[Committee of the Whole - Health service reductions (Beilenson Hearing) June 16, 2009, at 3:00 p.m.]**

Motion scheduling the Board to sit as a Committee of the Whole to consider health service reductions (Beilenson Hearing), to be held on June 16, 2009, at 3:00 p.m.

Enacted Number: M09-119

APPROVED

090803 **[Opposing Governor's proposal to eliminate the San Francisco Bay Conservation and Development Commission]** **Supervisors Chiu, Maxwell**

Resolution urging Governor Schwarzenegger and the State Legislature to not eliminate the San Francisco Bay Conservation and Development Commission.

Enacted Number: 251-09

ADOPTED

090804 **[Extending the life of Western SoMa Citizens Planning Task Force]** **Supervisor Daly**

Resolution extending the life of the Western SoMa Citizens Planning Task Force.

Enacted Number: 245-09

ADOPTED

090805 **[Urging the State of California to fund HIV/AIDS programs proposed for cuts in the FY 2009-2010 State budget]** **Supervisors Dufty, Campos, Daly, Mirkarimi**

Resolution calling on the Governor and California Legislature to fully fund HIV/AIDS programs proposed to be cut in the FY 2009-2010 State budget.

Enacted Number: 252-09

ADOPTED

090806 **[Commending Sandy Lee of the Recreation and Park Department for 34 years of service]** **Supervisor Dufty**

Resolution commending Sandy Lee of the Recreation and Park Department upon the occasion of her retirement after 34 years of service.

Enacted Number: 241-09

ADOPTED

090807 **[Accept and Expend Grant - Department of Public Health - $15,369]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of $15,369 from the University of California, San Francisco (UCSF), the primary contractor, with funds from the Futures Group International, to support a project entitled "Project SEARCH Nigeria HIV Prevention Project;" for the period of April 1, 2009, through September 30, 2009.

Enacted Number: 242-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly
Excused: 1 - Elsbernd

Severed From the For Adoption Without Committee Reference Agenda

Supervisors Mirkarimi and Alioto-Pier both requested that these matters be severed so that they may be considered separately.

090751 **[Supporting an equitable split-roll property tax]** **Supervisors Mirkarimi, Chiu, Campos, Maxwell, Mar, Avalos**

Resolution urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a state constitutional amendment creating a split-roll property tax.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Resolution supporting a constitutional amendment to implement an equitable split-roll property tax and urging San Francisco's representatives in the California Senate and Assembly to continue to work to modify the definition of a "change of ownership" for commercial property.

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier
Excused: 1 - Elsbernd

090754 **[Supporting a California Constitutional Amendment to restore majority rule to all budgetary and revenue issues decided by the State legislature]** **Supervisors Mirkarimi, Dufty, Mar, Avalos, Campos, Chiu**

Resolution urging San Francisco's California State legislative delegation to draft an amendment to the California Constitution to restore majority rule to all budgetary and revenue issues decided in the State of California.

Supervisors Campos and Chiu requested to be added as co-sponsors.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Resolution supporting the advocates who are working to place a California Constitution Amendment on the ballot to restore majority rule to all budgetary and revenue issues decided by the state legislature.

ADOPTED AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Chu
Excused: 1 - Elsbernd

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090820 **[Public Employment and Accept-Expend Federal Grant - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Human Services Agency]** **Mayor**

Ordinance amending the FY 2009-2010 Annual Salary Ordinance (Companion File No. 090541) to reflect the addition of temporary salaries of $7,737,578 and authorizing the Human Services Agency to accept and expend a grant in the amount of $28,141,437 from the United States Department of Health and Human Services, TANF Emergency Contingency Fund, as part of the American Recovery and Reinvestment Act of 2009, to sponsor the Mayor's Jobs NOW Program.

(Fiscal Impact.) (Supervisor Chu and Supervisor Dufty dissented in Committee.)

6/16/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

090817 **[Public Education Enrichment Fund for FY 2009-2010 - San Francisco Children and Families Commission]** **Supervisors Avalos, Dufty, Mirkarimi**

Resolution approving the San Francisco Children and Families Commission expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2009-2010.

6/16/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090818 **[Public Education Enrichment Fund for FY 2009-2010 - San Francisco Unified School District]** **Supervisors Avalos, Dufty, Mirkarimi**

Resolution approving the San Francisco Unified School District expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2009-2010.

6/16/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090819 **[Management Agreement with Owners' Association for administration/management of San Francisco Tourism Improvement District]** **Supervisor Chiu**

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the business-based business improvement district known as the "San Francisco Tourism Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

6/16/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090821 **[Urging the United States Department of Justice to withdraw its support of the Defense of Marriage Act]** **Supervisors Dufty, Campos, Chiu, Daly, Mar, Avalos**

Resolution urging the United States Department of Justice to withdraw or amend its support of the Defense of Marriage Act (DOMA) and calling on President Barack Obama to act to repeal DOMA.

6/16/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090822 **[Expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance]** **Supervisors Mirkarimi, Dufty**

Resolution expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance.

6/16/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090824 **[Federal Energy Efficiency and Conservation Block Grant revenue funding priorities]** **Supervisor Chiu**

Resolution establishing funding priorities for revenue from the federal Energy Efficiency and Conservation Block Grant program.

6/16/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090825 **[Opposing proposed California constitutional amendment]** **Supervisors Mirkarimi, Avalos, Campos, Mar**

Resolution in opposition to the proposed California constitutional amendment ballot measure misleadingly referred to as the "Taxpayers Right to Vote Act."

6/16/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

090816 **[City's Fiscal Year 2009-2010 Capital Budget]** **Supervisor Avalos**

Hearing on the City's Fiscal Year 2009-2010 Capital Budget.

6/16/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCE

090783 **[Settlement of Lawsuit - Jane Martin and David Baker - $190,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for $190,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

6/2/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090784 **[Settlement of Unlitigated Claim - Freda Quimbo - $70,000]**

Resolution approving the settlement of the unlitigated claim filed by Freda Quimbo against San Francisco for $70,000; claim was filed on February 11, 2009. (City Attorney)

6/4/09, RECEIVED AND ASSIGNED to Rules Committee.

090785 **[Lease of Real Property at 649-651 Bryant Street]**

Resolution authorizing the lease of property, with a first right of refusal to purchase, comprising approximately 14,000 square feet of improvements upon a lot area of approximately 19,000 square feet, located at 649-651 Bryant Street (Assessor's Block 3777, Lot 050), San Francisco, for the San Francisco Public Utilities Commission. (Real Estate Department)

(Fiscal Impact.)

6/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090786 **[Lease of Real Property at 160 South Van Ness Avenue]**

Resolution authorizing the Director of Property to exercise an extension option for a 7-year term for the lease of real property located at 160 South Van Ness Avenue, San Francisco, for the Human Services Agency. (Real Estate Department)

(Fiscal Impact.)

6/8/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090787 **[Lease of Real Property at 100 Larkin Street]**

Resolution authorizing the lease of 683 square feet of space to the Nasra Family Partnership, in the Main Library located at 100 Larkin Street, San Francisco, on behalf of the San Francisco Public Library. (Real Estate Department)

6/8/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi
To: City Attorney
Requesting/Inquiring: Supervisor Mirkarimi inquires of the City Attorney that if the attached letter purporting to be from the "San Francisco Clean-up Project," listing San Francisco City Hall as the organizational return address, is not a legitimate project of the City and County of San Francisco, whether there is a cause of action the City can pursue to prevent dissemination of such letters by individuals purporting to act with the imprimatur of the City and County of San Francisco.

From: Supervisor Mirkarimi
To: City Administrator
To: Director, Department of Public Works
Requesting/Inquiring: Supervisor Mirkarimi inquires of the City Administrator and Director of Public Works Department whether the attached letter purporting to be from the "San Francisco Clean-up Project," which lists San Francisco City Hall as the organizational return address, is a legitimate project of the City and County of San Francisco.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes
Southeast corner Octavia & Oak
Northwest corner Pine & Webster
Northeast corner Webster & Oak
Northeast corner Divisadero & Hayes
Southeast corner Golden Gate & Divisadero
Northeast corner Divisadero & Geary
Northwest corner Post & Divisadero
Southwest corner Post & Scott
Southeast corner Central & Fulton
Northwest corner Fulton & Fillmore

Bus Shelters
Northeast corner Sutter & Steiner
Southeast corner Buchanan & Haight
Northeast corner Fillmore & Hermann (the canopy)
Fillmore & Haight (all 4 bus stops, graffiti and grime)

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:
Metal Pole
Northwest corner Post & Pierce
Southeast corner Geary & Scott
Southeast corner Haight & Fillmore
Northeast corner Divisadero & Fell
On Hayes near Steiner (near bus shelter)
In front of 428 Buchanan

Wood Pole
In front of 511 Webster
Southeast corner McAllister & Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:
507 Divisadero
1012 Divisadero
904 Divisadero
859 Divisadero
1400 Golden Gate
436 Buchanan
1807 Fulton
551 Fillmore
322 Divisadero
1593 Fulton
100 Scott
126 Scott
876 Haight
295 Buchanan
546 Haight
586 Haight
551 Haight
530 Haight
529 Haight
445 Webster
2545 Post

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:
Alamo Square Bulletin Board

Garbage Can
Southeast corner Oak & Fillmore
Northwest corner Geary & Steiner
Northeast Waller & Scott

Overpass
Northwest corner Geary & Steiner

From: Supervisor Campos
To: Director, Department of Human Resources
Requesting/Inquiring: Information to be requested from the Department of Human Resources:
1. List of City and County of San Francisco (CCSF) employees by gender, age, race and ethnicity, classification, title and department that have been laid off or have received a layoff notice in FY 08-09.

2. List of CCSF employees by gender, age, race and ethnicity, classification, title and department that have been laid off, transferred to a new department, and released before completing their 90 day probationary period within FY 08-09.

In Memoriams

Tiffany Rystrom - Supervisor Dufty

George Cross - Supervisor Dufty

Lucille Burlew-Lawler and Edward John Hrbacek - Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:14 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on July 14, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

Disability access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

June 23, 2009

City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES
Tuesday, June 23, 2009
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:13 p.m.

COMMUNICATIONS

Supervisor Chiu congratulated Supervisor Elsbernd on the birth of his son 'Michael' and announced the availability of 'Wi-Fi' in the Board Chamber in partnership with the Department of Telecommunications.

Chris Vien, Director of Department of Telecommunications, spoke of the partnership with the Board of Supervisors.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090544 **[Revising Board of Appeals Surcharges]** **Mayor**

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

Enacted Number: 112-09

FINALLY PASSED

Recommendations of the Budget and Finance Subcommittee

090588 **[Building Code - fee adjustment]** **Mayor, Supervisor Chiu**

Ordinance amending the Building Code to amend various sections and fee schedule tables concerning fees, permits requirements and terms, inspections, and other actions; and adopting environmental findings.

Enacted Number: 107-09

FINALLY PASSED

090589 **[Electrical Code - permit expiration]** **Mayor, Supervisors Chiu, Chu**

Ordinance amending Electrical Code Section 89.1.22 concerning permit expiration and partial refund of fees

Enacted Number: 106-09

FINALLY PASSED

090590 **[Plumbing Code - permit expiration]** **Mayor, Supervisors Chiu, Chu**

Ordinance amending Plumbing Code Section 103.3.4.1 concerning permit expiration and partial refund of fees.

Enacted Number: 108-09

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

090639 **[MOU, Amendment #2 - Union of American Physicians and Dentists (Unit 11-AA)]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

Enacted Number: 125-09

FINALLY PASSED

090640 **[MOU, Amendment #1 - Multiple Unions (Crafts Coalition)]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

Enacted Number: 127-09

FINALLY PASSED

090641 **[MOU, Amendment #1 - San Francisco Institutional Police Officers' Association]** **Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

Enacted Number: 124-09

FINALLY PASSED

090642 **[MOU - International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]** **Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2009, through June 30, 2010.

Enacted Number: 113-09

FINALLY PASSED

090643 **[MOU, Amendment #1 - Municipal Executives' Association Fire]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

Enacted Number: 119-09

FINALLY PASSED

090644 **[MOU, Amendment #1 - Municipal Executives' Association Police]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

Enacted Number: 120-09

FINALLY PASSED

090647 **[MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)]** **Mayor**

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Enacted Number: 129-09

FINALLY PASSED

090648 **[MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)]** Mayor

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Enacted Number: 128-09

FINALLY PASSED

090649 **[MOU, Amendment #3 - Union of American Physicians and Dentists (Unit 8-CC)]** Mayor

Ordinance adopting and implementing Amendment #3 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

Enacted Number: 126-09

FINALLY PASSED

090650 **[Unrepresented Employees]** Mayor

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2009.

Enacted Number: 114-09

FINALLY PASSED

090673 **[MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 200]** Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, by extending the terms of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

Enacted Number: 122-09

FINALLY PASSED

090674 **[MOU, Amendment #1 - San Francisco Deputy Probation Officers' Association]** Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

Enacted Number: 121-09

FINALLY PASSED

090675 **[MOU, Amendment #1 - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]** Mayor

Ordinance adopting and implementing the Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

Enacted Number: 137-09

FINALLY PASSED

090676 **[MOU, Amendment #3 - Service Employee International Union, Local 1021]** Mayor

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Enacted Number: 134-09

FINALLY PASSED

090677 **[MOU, Amendment #1 - Service Employee International Union, Staff Per Diem Nurses, Local 1021]** Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff & Per Diem Nurses by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal year 2009-2010 and 2010-2011.

Enacted Number: 135-09

FINALLY PASSED

090680 **[MOU, Amendment #1 - District Attorney Investigators' Association]** Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

Enacted Number: 123-09

FINALLY PASSED

090681 **[MOU, Amendment #1 - Committee of Interns and Residents, Service Employee International Union, Local 1021]** **Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the California Association of Interns and Residents/Committee of Interns and Residents, SEIU, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Enacted Number: 136-09

FINALLY PASSED

090683 **[MOU, Stationary Engineers, Local 39]** **Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating and Stationary Engineers, Local 39, to be effective July 1, 2009, through June 30, 2010.

Enacted Number: 115-09

FINALLY PASSED

090685 **[MOU, Amendment #3 - San Francisco Municipal Attorneys' Association]** **Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Enacted Number: 138-09

FINALLY PASSED

090686 **[MOU, Amendment #2 - Machinists Union, Local 1414, International Association of Machinists & Aerospace Workers, Machinists Automotive Trades District Lodge 190]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

Enacted Number: 132-09

FINALLY PASSED

090688 **[MOU, Amendment #2 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Enacted Number: 133-09

FINALLY PASSED

090689 **[MOU, Amendment #2 - International Federation of Professional and Technical Employees, AFL-CIO, Local 21]** **Mayor**

Ordinance adopting and implementing the Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Employees, AFL-CIO, Local 21, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Enacted Number: 131-09

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

090402 **[Zoning - New Controls for Massage Establishments]** **Mayor, Supervisors Chu, Chiu**

Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, as defined, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; amending Planning Code Sections 790.114 and 890.114, to add massage establishments that employ only state-certified massage practitioners to the definitions of Medical Services in the Neighborhood Commercial Districts and Mixed Use Districts, respectively; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Enacted Number: 139-09

FINALLY PASSED

090420 **[India Basin Industrial Park, Special Use District Amendment]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by amending Section 249.42 to exempt the India Basin Industrial Park Special Use District from minimum off-street parking requirements; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Enacted Number: 141-09

FINALLY PASSED

Recommendations of the Rules Committee

090501 **[Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling $5,923,143.27]**

Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003, as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of $4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of $4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay $950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees. (City Attorney)

Enacted Number: 109-09

FINALLY PASSED

090595 **[Settlement of Lawsuit - Daniel Alvarenga - $82,500]**

Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for $82,500; the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 143-09

FINALLY PASSED

090596 **[Settlement of Lawsuit - Vivian Ross - $50,000]**

Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for $50,000; the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 145-09

FINALLY PASSED

090597 **[Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - $30,000]**

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc (Siemens Water Technology Corp.) by accepting the payment of $30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al. (City Attorney)

Enacted Number: 144-09

FINALLY PASSED

090667 **[Settlement of Lawsuit - King, et al. v. City and County of San Francisco - $63,500]**

Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of $4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of $63,500 to plaintiffs and their counsel for damages and attorneys' fees. (City Attorney)

Enacted Number: 146-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Absent: 1 - Alioto-Pier

Supervisor Dufty, seconded by Supervisor Chu, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Elsbernd requested that this matter be severed so that it may be considered separately.

090682 **[MOU, Laborers International Union, Local 261]** **Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local No. 261, to be effective July 1, 2009, through June 30, 2011.

Enacted Number: 116-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd Excused from Voting

Supervisor Chu, seconded by Supervisor Maxwell, moved to excuse Supervisor Elsbernd from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090687 **[MOU, Amendment #3 - Municipal Executives' Association, Misc.]** **Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

Enacted Number: 130-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Supervisor Daly requested that this matter be severed so that it may be considered separately.

090403 **[Penalties for violation of Massage Practitioner Licensing and Regulation Ordinance]** **Mayor, Supervisor Chu**

Ordinance amending Health Code Sections 1918 and 1928 to change the hours of permitted operation for massage establishments and to revise the penalties for violating Health Code Sections 1900 et seq., adding Health Code Section 1928.1 to provide for payment of the costs of administrative and other proceedings, and adding Health Code Section 1928.2 to provide for criminal penalties.

Enacted Number: 140-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090691 **[Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2009-2010]** **Mayor**

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year June 30, 2010.

(Fiscal Impact.) (Supervisor Chu and Supervisor Dufty dissented in Committee.)

Enacted Number: 110-09

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

090692 **[Interim Annual Salary Ordinance, Fiscal Year 2009-2010]** **Mayor**

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds andappropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.) (Supervisor Chu and Supervisor Dufty dissented in Committee.)

Enacted Number: 111-09

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendations of the Government Audit and Oversight Committee

090645 **[MOU, Amendment #1 - San Francisco Police Officers' Association (P1 and P2A)]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P1 and P2A) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

Enacted Number: 117-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090646 **[MOU, Amendment #1 - San Francisco Police Officers' Association (P2-B)]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P2-B) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

Enacted Number: 118-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090684 **[MOU, Amendment #2 - Operating Engineers, Local 3]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

090392 **[Zoning - Ordinance amending Planning Code Section 309.1]**

Ordinance amending Section 309.1 to the Planning Code to allow a design review exception for Downtown Residential Districts permitting minor height measurement modifications that could otherwise be modified as a Planned Unit Development pursuant to Section 304. (Planning Department)

Enacted Number: 142-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Rules Committee Without Recommendation

090007 **[Charter Amendment - Requiring that one-time revenues be spent only for one -time uses, unless otherwise authorized by the Board of Supervisors]** **Supervisors Elsbernd, Chu**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.

Continue to June 30, 2009.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Charter Amendment be CONTINUED. The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Daly, seconded by Supervisor Campos, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090723 **[Budget Savings Incentive Fund]** **Mayor**

Ordinance amending the San Francisco Administrative Code by amending Section 10.20 to permit the suspension of appropriations from the Budget Savings Incentive Fund for any single fiscal year and to deposit the amounts in the Fund as of June 30, 2009, into the General Fund to assist in balancing the FY 2009-2010 budget.

(Supervisor Chu dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090725 **[Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved]** **Mayor**

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractors for a lower cost than similar work performed by City and County employees, for the following services: Budget Analyst (Board of Supervisors); LGBT Anti-violence Education and Outreach Program (District Attorney); body removal services-Medical Examiner, central shops security, convention facilities management, janitorial services, and security services (General Services Agency-City Administrator); security services-1680 Mission Street (General Services Agency-Public Works); mainframe system support (General Services Agency-Technology); absentee voter ballot distribution (Department of Elections); security services (Human Services Agency); Project S.A.F.E. (Police); and janitorial services (Sheriff).

Enacted Number: 257-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090776 **[Redevelopment Agency Interim Budget]** **Mayor**

Resolution approving an Interim Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2009-2010. (Fiscal Impact.)

Enacted Number: 259-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Budget and Finance Subcommittee

090598 **[Official Advertising for Fiscal Year 2009-2010]**

Resolution designating the Examiner and the San Francisco Chronicle as the official newspapers of the City and County of San Francisco for the categories of Type 1 and Type 2 official advertising from July 1, 2009, through June 30, 2010. (Office of Contract Administration)

Enacted Number: 255-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090599 **[Outreach Advertising for Fiscal Year 2009-2010]**

Resolution designating the San Francisco Bay View to be the outreach newspaper of the City and County for the African American community; the China Press, the Sing Tao Daily and the World Journal to be the outreach newspapers of the City and County for the Chinese community; the Bay Area Reporter and the Bay Times to be the outreach newspapers of the City and County for the Gay, Lesbian, Bisexual community, and El Mensajero and El Reportero to be the outreach newspapers of the City and County for the Hispanic community, to provide outreach advertising for Fiscal Year 2009-2010. (Office of Contract Administration)

Enacted Number: 256-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

Supervisor Maxwell Excused from Voting

Supervisor Daly, seconded by Supervisor Elsbernd, moved to excuse Supervisor Maxwell from voting on File Nos. 090276, 090277, 090278, and 090279. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Excused: 1 - Maxwell

090276 **[Housing Code Section 503(d) "Housing Access" extend protections to all persons sharing housing by deleting references to "families" and technical correction to Section 503(b)]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families" and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090277 **[Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.3 to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3(a)(2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Maxwell

090278 **[Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach]** **Supervisors Daly, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined solely on by whether the rent increase would result in tenant's total rent exceeding 33% of tenant's gross income (including consideration of tenant assets); rent increase stayed pending determination of application; if application is granted, the rent increase will not be in effect until the increase will not cause tenant financial hardship, or until the landlord can demonstrate that [illegible] the rent increase is causing the landlord greater hardship than the tenant's hardship" for a period of time based on the tenant's circumstances, with a review scheduled at the end of that period; a delayed rent increase later allowed will be effective as of the date the tenant's income or assets changed to permit the increase; hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision, Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results. Section 37.3 (f) to sunset and no longer be in effect when the City unemployment rate drops to 5% or less according to the annual average published by the California Employment Development Department "Monthly Labor Force Data for Counties, Annual Average."

(Fiscal Impact.) (Economic Impact.)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Excused: 1 - Maxwell

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined by whether (1) a tenant is unemployed or has had wages reduced by 20% or more, or only has income from government benefits such as Social Security and has not received a cost of living increase in the past 12 months, and (2) the rent including the increase comprises or will comprise 33% or more of tenant's gross income (including consideration of tenant assets); rent increase stayed pending determination of application; if application is granted, the rent increase will not be in effect for a period of time based on the tenant's circumstances, with a review scheduled at the end of that period; a delayed rent increase later allowed will be effective as of the date the tenant's income or assets changed to permit the increase; hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results; Section 37.3(f) to sunset and no longer be in effect when the City unemployment rate drops to 5% or less according to the annual average published by the California Employment Development Department "Monthly Labor Force Data for Counties, Annual Average."

(Fiscal Impact.) (Economic Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090279 **[Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9 to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code Section 503(b) "superficial floor area" standards (Section 37.9(a)(2)).

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Excused: 1 - Maxwell

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9: to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code Section 503 (b) "superficial floor area" standards, if the landlord has unreasonably refused a written request by the tenant to add the ocupant(s) (Section 37.9(a)(2)).

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090734 **[Amending Ordinance 125-08, which approved an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waived requirements of the Administrative Code and Environment Code]** **Mayor, Supervisors Chiu, Alioto-Pier, Dufty**

Ordinance amending Ordinance 125-08, which authorized the Executive Director of the Port to execute an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and exempted the agreement from the contracting requirements of the Administrative Code and Environment Code, to increase the amount of the contract to design, purchase, and install the shoreside power equipment, and to allow the Port to contract with Cochran, Inc. to operate and maintain said equipment for a period of three (3) years, for a total amount not to exceed $5,198,000.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

090736 **[Approval of one-year extension of contract for the San Francisco Treasurer/Tax Collector for software maintenance, support and development for collection of revenue for various City and County departments]** **Supervisor Dufty**

Resolution approving one-year extension of software maintenance, license, support and development contract for the San Francisco Treasurer/Tax Collector for services to collect revenue for various City and County departments.

Enacted Number: 260-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081251 **[Planning Code-Appendix K to Article 10, Bush Street-Cottage Row Historic District]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Planning Code by amending Appendix K to Article 10, "Bush Street-Cottage Row Historic District," by adding a new Section 7 to set forth additional requirement for Certificates of Appropriateness; and making findings, including findings of consistency with the General Plan and priority policies of Planning Code Section 101.1 and environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090141 **[Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use District]** **Supervisor Mirkarimi**

Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090327 **[First Source Hiring Program - expanding definitions of "entry level position" and "economically disadvantaged individual"]** **Supervisor Mirkarimi**

Ordinance amending Section 83.4 of the San Francisco Administrative Code by expanding the definitions of "economically disadvantaged individual" and "entry level position."

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090574 **[Hunters View - Resolution of Intent for Street Vacation]**

Resolution declaring the intention of the Board of Supervisors to vacate portions of Fairfax Avenue and West Point Road and various public service easements in the Hunters View Project; setting a hearing date for all persons interested in the proposed vacation of said street areas. (Public Works Department)

Amended on page 3, lines 16-17, by changing the hearing date from "21st day of July, 2009," to "11th day of August, 2009."

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Dan McKenna in recognition of his 35 years of service to the City and County of San Francisco. Supervisors Elsbernd, Mirkarimi, Chu, Maxwell, and Alioto-Pier also expressed their appreciation to Dan McKenna.

Supervisor Campos introduced, welcomed and presented a Certificate of Honor to Anthony Lopez in recognition of his accomplishments and for his continued LGBT community involvement.

COMMITTEE REPORTS

090741 **[Authorizing City officials the ability to execute Homeland Security Grants]** **Supervisor Alioto-Pier**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of the California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California, including the following grants: State Homeland Security Grant Program, Metropolitan Medical Response System and Citizen Corps Program.

Enacted Number: 263-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090742 **[Homeland Security Grants]** **Supervisor Alioto-Pier**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under various grant programs including: the FY 09 Homeland Security Grant Program for the FY 09 Urban Areas Security Initiative (UASI) grant, the FY 09 Buffer Zone Protection Program (BZPP) grant, the FY 09 Regional Catastrophic Preparedness Grant Program (RCPGP), the FY 09 Interoperable Emergency Communications Grant Program (IECGP) and Public Law 110-329.

Enacted Number: 262-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Richard Robertson; expressed concerns relating to religion and marriage.

James Chaffee; expressed concerns relating to the SF Public Library.

Richard McRee; expressed concerns relating to political integrity.

Walter; shared in song certain issues with the Board.

Rachel West; expressed concerns relating to massage parlor legislation.

Lorie Near; expressed concerns relating to massage parlor legislation.

Male Speaker; expressed concerns relating to JROTC programs.

Ali Atahi; Ahi Sam; Zhedo; Female Speaker; Female Speaker; Anthony Teicher; Khali; Female Speaker; Shariq Sharee; Female Speaker; Rezon; and Female Speaker; expressed support for the people of Iran.

Abdullah Megaheed; expressed various concerns.

Male Speaker; expressed concerns relating to the budget.

Veronica Castenada; expressed concerns relating to JROTC programs.

Male Speaker; expressed various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090821 **[Urging the United States Department of Justice to withdraw its support of the Defense of Marriage Act]** **Supervisors Dufty, Campos, Chiu, Daly, Mar, Avalos**

Resolution urging the United States Department of Justice to withdraw or amend its support of the Defense of Marriage Act (DOMA) and calling on President Barack Obama to act to repeal DOMA.

Supervisors Daly, Mar, and Avalos requested to be added as co-sponsors.

Enacted Number: 258-09

ADOPTED

090047 **[Final Map - 1151 Sutter Street]**

Motion approving Final Map 5022, an Eight Residential Unit and One Commercial Unit Mixed-Use Condominium Project, located at 1151 Sutter Street being a subdivision of Lot 014 in Assessors Block No. 0692 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,190; District 3.)

Enacted Number: M09-120

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the For Adoption Without Committee Reference Agenda

Supervisor Mirkarimi requested that this matter be severed so that it may be considered separately.

090822 **[Expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance]** **Supervisors Mirkarimi, Dufty**

Resolution expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The entire Board requested to be added as co-sponsors.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu requested that this matter be severed so that it may be considered separately.

090824 **[Federal Energy Efficiency and Conservation Block Grant revenue funding priorities]** **Supervisor Chiu**

Resolution establishing funding priorities for revenue from the federal Energy Efficiency and Conservation Block Grant program.

RE-REFERRED to the Budget and Finance Committee.

Supervisor Alioto-Pier requested that this matter be severed so that it may be considered separately.

090825 **[Opposing proposed California constitutional amendment]** **Supervisors Mirkarimi, Avalos, Campos, Mar**

Resolution in opposition to the proposed California constitutional amendment ballot measure misleadingly referred to as the "Taxpayers Right to Vote Act."

Supervisors Avalos and Campos requested to be added as co-sponsors.

Continued to June 30, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding] Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090827 **[Commending Dan McKenna of the Bureau of Street Use and Mapping on his retirement]** **Supervisor Dufty**

Resolution commending Dan McKenna of the Bureau of Street Use and Mapping on the occasion of his retirement.

Enacted Number: 261-09

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090833 **[Lobbyist Ordinance Amendments]** **Supervisor Chiu**

Ordinance amending Chapter I of Article II of the Campaign and Governmental Conduct Code by amending Sections 2.100, 2.105, 2.110, 2.115, 2.117, 2.130, 2.135, 2.140, 2.145 and 2.150, adding Section 2.116, and deleting Sections 2.125 and 2.160, to simplify registration requirements, adopt a more equitable fee structure, ease electronic filing of lobbyist disclosures, and establish an effective date for these amendments.

6/23/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/23/2009. Referred to the Ethics Commission on July 15, 2009.

090835 **[Residential Rent Ordinance: Prohibiting owner move-in evictions of families with children; and changing the definition of "disabled" tenants protected from owner move-in evictions]** **Supervisor Mar**

Draft ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(i) to prohibit owner move-in evictions of families with children, where a member of the household is under the age of 18 and a member of a household which has resided in the unit for at least 12 months; and changing the definition of "disabled" tenants protected from owner move-in evictions to be the definition in Government Code Section 12955.3, in place of the current definition that is tied to federal Supplemental Security Income and California State Supplemental Program (SSI/SSP) definitions.

6/23/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/23/2009.

090698 **[Planning Fee Procedures and Adjustments]** **Mayor**

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to increase fees to recover [illegible] of approval, code violation abatement, and the General Advertising Sign Program; establish a fee for department [illegible] pre-application meetings; modify refund procedures; modify the indigent fee waiver provision; clarify phased collections and payment deferment; establish a new processing fee for phased payments; and adopting Section 302 and environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

6/23/09, ASSIGNED to Budget and Finance Committee.

6/23/09, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

090699 **[Code Enforcement Fund; Fees]** **Mayor**

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-166 to expand the Planning Department's Code Enforcement Fund beyond general advertising signs and authorize the Fund to receive revenues from all types of code enforcement activities, including monetary judgments, and authorize expenditure of the funds for administration and enforcement of all Planning Code violations; amending the San Francisco Planning Code by amending Sections 303(l) and 358 to clarify that wall signs are included in the requirements; amending Sections 303(l) and 604.2 to delete the requirement to submit a site map, amending Section 358 to increase the annual inventory maintenance fee, clarify use of the general advertising sign inventory fees and to make technical changes to the language of the section; amending Section 604.2 to provide that violation of the Code's general advertising sign inventory requirements is a public nuisance, to clarify that the definition of the term "general advertising sign company" includes the operator of the sign, to modify language required to be in the affidavit submitted with the sign inventory, to conform the penalty and appeal procedure with Section 610, and to make other clarifying and technical changes to the language of the section; adopting CEQA and Planning Code Section 302 findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

6/23/09, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

6/23/09, ASSIGNED to Budget and Finance Committee.

090837 **[Penalty for alcohol content testing in Driving Under the Influence cases]** **Mayor**

Ordinance amending Administrative Code by adding Section 8.14-1, to impose an additional $50 penalty for violation of certain Vehicle Code sections to pay for alcohol testing by the Medical Examiner.

6/23/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

090827 **[Commending Dan McKenna of the Bureau of Street Use and Mapping on his retirement]** **Supervisor Dufty**

Resolution commending Dan McKenna of the Bureau of Street Use and Mapping on the occasion of his retirement.

6/23/09, ADOPTED.

090834 **[California Public Employees' Retirement System (CalPERS) Contract Amendment]** **Supervisor Elsbernd**

Resolution of intention to approve an amendment to contract between the Board of Administration, California Public Employees' Retirement System (CalPERS), and the Board of Supervisors, City and County of San Francisco.

(Fiscal Impact.)

6/23/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090836 **[Lease of concession properties within the Japanese Tea Garden in Golden Gate Park]** **Supervisors Mirkarimi, Mar, Dufty**

Resolution authorizing and approving the execution, delivery and performance of a Lease for the management and operation of the concessions associated with the Japanese Tea Garden in Golden Gate Park.

6/23/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090838 **[Fair and balanced State budget]** **Supervisor Avalos**

Resolution urging California's elected leaders to use a fair and balanced approach to solving the State's budget crisis

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090839 **[Accept and Expend State Grant - Recreation and Park Department - $68,250]** **Supervisor Avalos**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend retroactively a grant in the amount of $68,250 from the California Integrated Waste Management Board for the purchase of tire derived products for the Crocker Amazon Soccer Complex Project.

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090840 **[Urging California State Legislature to reject the passage of Assembly Bill 746 (Conflicts of Interest)]** **Supervisors Chiu, Campos**

Resolution urging the California State Legislature to reject the passage of Assembly Bill 746, relating to conflicts of interest.

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090841 **[Commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government]** **Supervisors Dufty, Campos, Mar**

Resolution commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government for their role in its actualization.

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090842 **[Commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department]** **Supervisor Dufty**

Resolution commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department.

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090843 **[California State Budget - Opposing the use of motor fuel tax and redevelopment tax increment funds]** **Supervisor Maxwell**

Resolution urging the City Attorney and the General Counsel of the San Francisco Redevelopment Agency to cooperate with the League of California Cities, the California Redevelopment Association, and other cities and counties in possible litigation challenging the constitutionality of any seizure by State government of the City's street maintenance and redevelopment funds.

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion

090794 **[Submission of Parcel Tax to voters]** **Supervisors Avalos, Mirkarimi**

Motion ordering submitted to the voters an "Ordinance amending the Business and Tax Regulations Code of the City and County by: (1) adding Article 18, Parcel Tax, (2) amending Section 6.1-1 of Article 6, Common Administrative Provisions, to include appropriate cross-reference to new Article 18, and (3) amending the Administrative Code by adding Section 10.100-248 (Recreation and Parks Parcel Tax Fund)," at an election to be held on November 3, 2009.

(Economic Impact.)

6/9/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 7/9/2009.

6/23/09, SUBSTITUTED. Supervisor Avalos submitted a substitute motion bearing new title.

6/23/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 7/9/2009.

PROPOSED ORDINANCE

090811 **[Settlement of Lawsuit - Craig Yates and Richard Skaff - $312,000]**

Ordinance authorizing settlement of multiple lawsuits filed by Craig Yates and Richard Skaff against the City and County of San Francisco and San Francisco Uptown Parking Corporation for $312,000; further authorizing settlement of San Francisco's cross-claims against San Francisco Parking, Inc., d/b/a City Park for $150,000 to be paid to the City and County of San Francisco; the lawsuits entitled: (1) Craig Yates v. Union Square, et al., Case No. C07-4087-JSW, filed August 9, 2007, in the United States District Court, Northern District of California; (2) Craig Yates v. Union Square, et al., Case No. CGC-08-473176, filed March 11, 2008, in San Francisco Superior Court; (3) Richard Skaff v. Union Square, et al., Case No. 08-CV-2555-JSW, filed May 20, 2008, in the United States District Court, Northern District of California; and (4) Richard Skaff v. Union Square, et al., Case No. CGC-08-475516, filed May 20, 2008, in San Francisco Superior Court. (City Attorney)

6/15/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090809 **[Street Artist Spaces - 17th Street at Castro and Market Streets]** **Supervisors Dufty, Campos**

Resolution approving designation for six (6) months of eight (8) temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists; said spaces subject to Board of Supervisors review. (Arts Commission)

6/11/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Supervisor Dufty requested to be added as sponsor.

090810 **[Street Artist Spaces - Hayes Street near Octavia]**

Resolution approving designation for six (6) months of four (4) temporary selling spaces on Hayes Street, north side, near Octavia Street for street artists certified by the Arts Commission, City and County of San Francisco; said spaces subject to Board of Supervisors review. (Arts Commission)

6/11/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090823 **[Authorization for continued membership in 18 County CalWIN Consortium]**

Resolution authorizing the Department of Human Services to continue its membership in the 18 County CalWIN Consortium and authorizing the Director of the Human Services Agency to execute the necessary agreements for participation in the consortium's continued development, implementation, maintenance and operation of a computer system for the administration of public benefit programs in accordance with state requirements for which San Francisco's portion of the cost will be $13,110,600 for the extended period of July 1, 2009, through July 31, 2013. Please note: State and Federal reimbursement is at 92% of $13,110,600. County general fund portion $1,048,848. (Human Services Department)

(Fiscal Impact.)

6/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes

Southeast corner Steiner & Scott

Bus Shelters

Northeast corner Laguna & Mc Allister
Northeast corner Fillmore & Hermann (the canopy)
Fillmore & Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes

Northeast corner Haight & Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Alamo Square Bullentin Board

Garbage Cans

Southeast corner Fell & Fillmore
Northeast corner Grove & Fillmore
Northeast corner Golden Gate & Webster
Southeast corner Webster & Golden Gate
Northeast corner McAllister & Gough

Mailboxes

Northeast corner Fillmore & Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore & Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Northwest corner of Hayes & Fillmore
Southeast corner of Fillmore & Haight

San Francisco Chronicle

Northwest corner Fillmore & Hayes
Southeast corner Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic

Examiner

Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmroe

SF Daily

Northwest corner of Hayes & Gough

City Star

Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly

Southeast corner of Masonic & Haight & Southeast corner of Haight & Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole
Across the street from 660 Hayes

Wood Pole
Northwest corner Haight & Webster
Southeast corner Webster & Haight
Southeast corner Webster & Germania

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

1151 Webster
1667 Oak
1301 Haight
998 Oak
745 Buchanan
565 Laguna
596 Page
600 Page
438 Buchanan
531 Haight
551 Haight
557 Haight
583 Haight

595 Haight
507 Haight
589 Haight
547 Haight
542 Haight
540 Haight
530 Haight
400 Haight
406 Haight
518 Haight
428 Haight
438 Haight
347 Haight

In Memoriams

In Memoriams

Neda Agha-Soltan - Entire Board

Robert Derzon - Supervisor Alioto-Pier

Sister Mary Patrice Murray - Supervisor Alioto-Pier

Allen White - Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:10 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on July 21, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee. Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber. Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetingsFor information, call (415) 554-5184. Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.
Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.
The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

June 30, 2009

City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES
Tuesday, June 30, 2009
2:00 PM
City Hall, Legislative Chamber, Room 250
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of June 2, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

090493 **[Liquor License Transfer - 3950 24th Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 1469 Hyde Street to 3950 24th Street (District 8) to Joseph N. Rogoff for Whole Foods Market California, Inc. dba Whole Foods Market, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 265-09

ADOPTED

090797 **[Accept and Expend Grant - Department of Public Health - $1,925,719]** Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Corrections and Rehabilitation (CDCR) in the amount of $1,925,719 to expand the City's treatment capacity for mentally ill parolees; for the period of June 1, 2009, through June 30, 2012.

Enacted Number: 266-09

ADOPTED

Recommendations of the Land Use and Economic Development Committee

081251 **[Planning Code-Appendix K to Article 10, Bush Street-Cottage Row Historic District]** Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Appendix K to Article 10, "Bush Street-Cottage Row Historic District," by adding a new Section 7 to set forth additional requirement for Certificates of Appropriateness; and making findings, including findings of consistency with the General Plan and priority policies of Planning Code Section 101.1 and environmental findings.

Enacted Number: 148-09

FINALLY PASSED

090141 **[Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use District]** **Supervisor Mirkarimi**

Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

Enacted Number: 151-09

FINALLY PASSED

090327 **[First Source Hiring Program - expanding definitions of "entry level position" and "economically disadvantaged individual"]** **Supervisor Mirkarimi**

Ordinance amending Section 83.4 of the San Francisco Administrative Code by expanding the definitions of "economically disadvantaged individual" and "entry level position."

Enacted Number: 149-09

FINALLY PASSED

Recommendations of the Rules Committee

090770 **[Appointment, Commission on the Aging Advisory Council - Jerry Brown]**

Motion appointing Jerry Brown, term ending March 31, 2011, to the Commission on the Aging Advisory Council.

Jerry Brown, seat 11, succeeding William Hollabaugh, term expired, must be nominee of District 9 Supervisor, for the unexpired portion of a two-year term ending March 31, 2011.

Enacted Number: M09-121

APPROVED

090790 **[Appointment, Graffiti Advisory Board - Rebecca Delgado Rottman]**

Motion appointing Rebecca Delgado Rottman, term ending April 10, 2011, to the Graffiti Advisory Board.

Rebecca Delgado Rottman, seat 16, succeeding herself, term expired, must represent private schools or art schools who operate in San Francisco, for the unexpired portion of a two-year term ending April 10, 2011.

Enacted Number: M09-122

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

090723 **[Budget Savings Incentive Fund]** **Mayor**

Ordinance amending the San Francisco Administrative Code by amending Section 10.20 to permit the suspension of appropriations from the Budget Savings Incentive Fund for any single fiscal year and to deposit the amounts in the Fund as of June 30, 2009, into the General Fund to assist in balancing the FY 2009-2010 budget.

(Supervisor Chu dissented in Committee.)

Enacted Number: 150-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

Supervisor Maxwell Excused from Voting

Supervisor Daly, seconded by Supervisor Elsbernd, moved to excuse Supervisor Maxwell from voting on File Nos. 090276, 090277, 090278, and 090279. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Excused: 1 - Maxwell

090276 **[Housing Code Section 503(d) "Housing Access" extend protections to all persons sharing housing by deleting references to "families" and technical correction to Section 503(b)]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families" and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090277 **[Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.3 to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3[illegible] (2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Maxwell

090278 **[Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach]** **Supervisors Daly, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined solely on by whether the rent increase would result in tenant's total rent exceeding 33% of tenant's gross income (including consideration of tenant assets); rent increase stayed pending determination of application; if application is granted, the rent increase will not be in effect until the increase will not cause tenant financial hardship, or until the landlord can demonstrate that "inability to impose the rent increase is causing the landlord greater hardship than the tenant's hardship" for a period of time based on the tenant's circumstances, with a review scheduled at the end of that period; a delayed rent increase later allowed will be effective as of the date the tenant's income or assets changed to permit the increase; hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results; Section 37.3 (f) to sunset and no longer be in effect when the City unemployment rate drops to 5% or less according to the annual average published by the California Employment Development Department "Monthly Labor Force Data for Counties, Annual Average."

(Fiscal Impact.) (Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090279 **[Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9 to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d) (1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code Section 503(b) "superficial floor area" standards (Section 37.9(a)(2)).

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090734 **[Amending Ordinance 125-08, which approved an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waived requirements of the Administrative Code and Environment Code]** **Mayor, Supervisors Chiu, Alioto-Pier, Dufty**

Ordinance amending Ordinance 125-08, which authorized the Executive Director of the Port to execute an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and exempted the agreement from the contracting requirements of the Administrative Code and Environment Code, to increase the amount of the contract to design, purchase, and install the shoreside power equipment, and to allow the Port to contract with Cochran, Inc. to operate and maintain said equipment for a period of three (3) years, for a total amount not to exceed $5,198,000.

(Fiscal Impact.)

Enacted Number: 147-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090756 **[Approval of FY 2009-2010 Expenditure Plan for the Human Services Care Fund]**

Resolution approving the FY 2009-2010 Expenditure Plan for the Human Services Care Fund. (Human Services Department)

(Fiscal Impact.)

Enacted Number: 269-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090695 **[Approval of FY 2009-2010 Redevelopment Agency Budget and Bonds]** **Mayor**

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for FY 2009-2010 and approving the issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed $87.5 million to finance a portion of redevelopment activities described in such approved Budget for FY 2009-2010.

(Fiscal Impact.)

Enacted Number: 267-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090701 **[Setting Patient Rates - effective July 1, 2009]** **Mayor**

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090702 **[Emergency Medical Services Fees]** **Mayor**

Ordinance amending the San Francisco Health Code by amending Section 901 and adding Section 914.5, and amending San Francisco Business and Tax Regulations Code Section 249.8, to amend definitions, add fees and a Certificate of Participation requirement for facilities that receive patients through ambulance service providers, and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090703 **[Chain Restaurant Surcharge]** **Mayor**

Ordinance adding Section 249.21 to the Business and Tax Regulations Code to impose a surcharge on chain restaurants that qualify as food facilities under State law to recover the Department of Public Health's costs of enforcing California Health and Safety Code Section 114094 regarding disclosure of nutritional and calorie content information, adding provisions for the Controller to adjust fees annually, and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090627 **[Extending the duration of the Film Rebate Program and limiting the rebate available to film productions for police services]** **Supervisors Alioto-Pier, Dufty**

Ordinance amending Administrative Code Section 57.8 by extending the Film Rebate Program through June 30, 2012, and modifying the definition of "qualified production cost" in order to limit rebates available to film productions for the use of certain police services.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090711 **[Recreation and Park Department - Clubhouses and Gymnasiums Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.21 to increase the fees at the Clubhouses and Gymnasiums, to eliminate the reservation fee and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090712 **[Recreation and Park Department - Aquatic Facilities Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.40 to increase the fees at the Aquatic facilities and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

090713 **[Recreation and Park - Day Camp Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.15 to increase fees for Day Camps and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090714 **[Recreation and Park - Kezar Parking Lot Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.08 to increase fees for parking in the lot at the Kezar Stadium and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090717 **[Recreation and Park Department - Athletic Field Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.36 to increase the fees for use of Athletic Fields and making environmental findings.

(Supervisor Mirkarimi dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

090718 **[Recreation and Park Department - Japanese Tea Garden Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.05 to add a non-resident entrance fee for the Japanese Tea Garden and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090719 **[Recreation and Park Department - Latch Key and Afterschool Programs Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.30 to increase fees for Latchkey and Afterschool programs and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090720 **[Recreation and Park - Conservatory of Flowers Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.34 to add a non-resident entrance fee for the Conservatory of Flowers and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090367 **[Planning Code Amendment - Philanthropic Administrative Service Use; Zoning Map Amendment - 2503 Clay Street]** **Supervisor Alioto-Pier**

Ordinance amending the San Francisco Planning Code by adding Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet ZN02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street) from RH-2 to Upper Fillmore Street NCD adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090755 **[Street Artist Spaces]**

Resolution approving permanent designation of nine (9) former temporary selling spaces for weekend usage on Market Street, north side at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone. (Arts Commission)

Enacted Number: 270-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

090772 **[Public Hearing - Appeal of Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition]**

Hearing of persons interested in or objecting to the Planning Commission's May 14, 2009, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0128E, through its Motion No. 17879, for a proposed Drew School Addition project located at 2901 California Street/1831-1835 Broderick Street, Assessor's Block No. 1029, Lots 003 and 095. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/3/09; Companion Measure to 090773, 090774, 090775; District 2.)

Continued to August 4, 2009

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090773 **[Affirming the certification of the 2901 California Street/1831-1835 Broderick Street (Drew School Addition) FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.

Continued to August 4, 2009

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090774 **[Reversing the certification of 2901 California Street.1831-1835 Broderick Street (Drew School Addition) FEIR]**

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for 2901 California Street/1831 -1835 Broderick Street-Drew School Addition Project.

Continued to August 4, 2009

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090775 **[Preparation of findings to reverse certification of 2901 California Street/1831-1835 Broderick Street (Drew School Addition) FEIR]**

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition FEIR.

Continued to August 4, 2009

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

090798 **[Bayview Hunters Point Redevelopment Project Area C Interim Controls Extension]** **Supervisor Maxwell**

Resolution extending the imposition of interim zoning controls for an additional six (6) months in the area designated as "Area C" in the Bayview Hunters Point Redevelopment Survey Area, an area generally bounded by Jennings Street, Hunters Point Boulevard, Innes Avenue, Earl Street and the San Francisco Bay by requiring a conditional use permit for all new construction, changes of use, alterations that expand the building envelope and demolitions, except for alterations of a lawfully existing use in the M-1, M-2 or NC-2 zones or the establishment of or a change of use on the ground floor of a principally permitted use in the NC-2 area; by specifying criteria to be applied in the evaluation of a conditional use permit application; and adopting findings.

Enacted Number: 271-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090828 **[Safe Streets and Road Repair General Obligation Bonds - $368,000,000]** **Mayor, Supervisors Chiu, Dufty, Mar, Campos, Mirkarimi**

Resolution determining and declaring that the public interest and necessity demand the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $368,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that the proposed bond is not a project under the California Environmental Quality Act ("CEQA"); finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

(Fiscal Impact.)

Ed Reiskin, Department of Public Works Director, provided an overview of the proposed use of bond funding. Nani Coloretti, Office of the Mayor Budget Director, responded to questions raised throughout the discussion.

Supervisor Alioto-Pier requested to be removed as a co-sponsor.

Enacted Number: 268-09

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd

090753 **[Selection of independent City auditors]** **Supervisor Mirkarimi**

Resolution selecting independent auditors for the Controller's office and the separately audited departments of the City and authorizing a two-year contract with the selected audit firm with five year's worth of options for renewal.

(Fiscal Impact.)

Enacted Number: 272-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

James Chaffee; expressed concerns *relating to the SF Public Library.*

Paulette Brown; expressed concerns *relating to human services and solving child homicides and violence in the community.*

Han Tsu Kim; Robert Gesamme; Jim Klusky; Mike Monroe; Mr. Heinz; Carey; Male Speaker; Male Speaker; expressed concerns relating taxi reform.

Walter; shared in song certain issues with the Board.

Mark Trout; expressed various concerns.

Mr. White; expressed concerns *relating to shelters.*

Male Speaker; expressed concerns *relating to taxes and health care.*

Ed Valeri; expressed various concerns.

Female Speaker; Gaby; expressed concerns relating to budget cuts.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090838 **[Fair and balanced State budget]** **Supervisor Avalos**

Resolution urging California's elected leaders to use a fair and balanced approach to solving the State's budget crisis.

Enacted Number: 276-09

ADOPTED

090839 **[Accept and Expend State Grant - Recreation and Park Department - $68,250]** **Supervisor Avalos**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend retroactively a grant in the amount of $68,250 from the California Integrated Waste Management Board for the purchase of tire derived products for the Crocker Amazon Soccer Complex Project.

Enacted Number: 273-09

ADOPTED

090840 **[Urging California State Legislature to reject the passage of Assembly Bill 746 (Conflicts of Interest)]** **Supervisors Chiu, Campos**

Resolution urging the California State Legislature to reject the passage of Assembly Bill 746, relating to conflicts of interest.

Enacted Number: 277-09

ADOPTED

090841 **[Commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government]** **Supervisors Dufty, Campos, Mar**

Resolution commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government for their role in its actualization.

Supervisor Mar requested to be added as a co-sponsor.

Enacted Number: 274-09

ADOPTED

090842 **[Commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department]** **Supervisor Dufty**

Resolution commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department.

Enacted Number: 275-09

ADOPTED

090843 **[California State Budget - Opposing the use of motor fuel tax and redevelopment tax increment funds]** **Supervisor Maxwell**

Resolution urging the City Attorney and the General Counsel of the San Francisco Redevelopment Agency to cooperate with the League of California Cities, the California Redevelopment Association, and other cities and counties in possible litigation challenging the constitutionality of any seizure by State government of the City's street maintenance and redevelopment funds.

Enacted Number: 264-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it may be considered separately.

090825 **[Opposing proposed California constitutional amendment]** **Supervisors Mirkarimi, Avalos, Campos, Mar**

Resolution in opposition to the proposed California constitutional amendment ballot measure misleadingly referred to as the "Taxpayers Right to Vote Act."

Supervisor Mar requested to be added as a co-sponsor.

Enacted Number: 278-09

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

IMPERATIVE AGENDA

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding] Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090852 **[Declaring July 1, 2009, Julie Leadbetter Day]** **Supervisor Avalos**

Resolution seeking to commend Julie Leadbetter for her dedication to housing advocacy, community development and homeless services in San Francisco, wishing her well until she returns to our great city and declaring July 1, 2009, to be Julie Leadbetter Day.

Enacted Number: 279-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Resolutions

090855 **[Assessment Ballots for City Parcels, for the proposed renewed and expanded Greater Union Square Business Improvement District]** **Supervisor Chiu**

Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco, as the owner of three parcels of real property that would be subject to assessment in the proposed renewed and expanded property and business improvement district to be named the Greater Union Square Business Improvement District.

6/30/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090856 **[Approval of Amendment to the Owner Controlled Insurance Program for the Laguna Honda Hospital Replacement Program - $15,279,662]** **Supervisor Elsbernd**

Resolution authorizing the Director of Public Works to execute an amendment to the Owner Controlled Insurance Program (OCIP) for the Laguna Honda Hospital Replacement Program from $9,915,928 to $15,279,662.

(Fiscal Impact.)

6/30/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090861 **[Accept and Expend State Grant - Department of Public Works - $333,000]** **Mayor**

Resolution authorizing the Department of Public Works to accept and expend State Transportation Development Act (TDA) Article 3 funds totaling $333,000 for various pedestrian projects in the City and County of San Francisco in FY 2009-2010.

(Fiscal Impact.)

6/30/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090862 **[Accept and Expend Federal Grant - Department of Public Works - $13,540,000]** **Mayor**

Resolution authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend federal grant funds totaling $13,540,000.

6/30/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090863 **[Support for the passing of Assembly Concurrent Resolution No. 42 (Fong; Chinese Americans in California)]** **Supervisors Mar, Chiu, Chu, Campos**

Resolution supporting Assembly Concurrent Resolution No. 42 (Fong) that recognizes the extraordinary hardships of Chinese in California as a result of systematic discriminatory practices implemented at the legislative level, which conflict with the principles upon which our country was founded.

6/30/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090864 **[Celebrating the 20th anniversary of San Francisco Animal Care & Control]** **Supervisors Mar, Campos**

Resolution celebrating the 20th anniversary of San Francisco Animal Care & Control.

6/30/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090865 **[Denouncing the coup de etat in Honduras and urging the Honduran government and the international community to support democratic,** **Supervisors Campos, Avalos, Daly, Mar, Maxwell, Mirkarimi, Dufty**

transparent elections that respect human rights, national sovereignty and democracy]

Resolution denouncing the coup de etat against the duly elected President of Honduras and urging the Honduran government and international community to support democratic elections that respect human rights, national sovereignty, and economic sustainability that leads to conditions of peace and democracy.

6/30/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090866 **[Traffic Regulation - Closure of McCoppin Street west of Valencia Street to vehicular traffic]** **Supervisor Mirkarimi**

Resolution closing McCoppin Street west of Valencia Street to vehicular traffic; adopting findings, including environmental and findings of consistency with the City's General Plan and priority policies of Planning Code Section 101.1; and authorizing official acts in connection with the street closure.

6/30/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Requests for Hearing

090853 **[Mayor's Notice of Minimum Compensation Ordinance for Fiscal Year 2009-2010]** **Supervisor Avalos**

Hearing on Mayor's Notice of Minimum Compensation Ordinance under Section 12P.3 for Fiscal Year 2009-2010.

6/30/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090854 **[Grantee selection process for the Family Resource Center Initiative]** **Supervisor Campos**

Hearing on the grantee selection process for the Family Resource Center Initiative administered by First 5 San Francisco, the Department of Children, Youth and Their Families, and the Human Services Agency.

6/30/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCE

090829 **[Trinity Plaza Development Agreement Amendment; Property at 1167 Market Street, 670-693 Stevenson Street, and 1164 Mission Street]**

Ordinance amending a development agreement between the City and County of San Francisco and 1169 Market Street, L.P., for certain real property located at 1167 Market Street (Assessor's Block 3702/Lot 053), 670 Stevenson Street (Assessor's Block 3702/Lot 051), 693 Stevenson Street (Assessor's Block 3702/Lot 052), 1164 Mission Street (Assessor's Block 3702/Lot 039), and a portion of former Jessie Street between 7th and 8th Streets, altogether consisting of approximately 177,295 square feet (4.07 acres) and commonly known as Trinity Plaza, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), to add 5 years to the term, to permit the construction of the entirety of a parking garage, to amend the definition of Existing Tenants, to identify the BMR Units for Building A, to modify the location and selection process for the Replacement Units, and to permit a Project-wide art component for the Project; and adopting environmental, General Plan and Planning Code Section 101.1(b) findings. (Planning Department)

6/16/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

090830 **[Airport Concession Lease]**

Resolution approving the Terminal 1 Boarding Area "C" Retail Lease between Hudson News Company and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal Impact.)

6/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090831 **[Settlement of Potential Litigation - George Boutros - $25,000]**

Resolution authorizing settlement of potential litigation with George Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust, related to encroachments on San Francisco Public Utilities Commission Right of Way easements that [illegible] Boutros residential property located at 90 Sea Cliff Avenue, San Francisco, CA. (City Attorney)

6/22/09, RECEIVED AND ASSIGNED to Rules Committee.

090832 **[Approval of Surface Mining Permit 30 Sunol Valley Quarry Lease]**

Resolution authorizing the General Manager of the Public Utilities Commission to enter into a quarry lease for a 308.5 acre parcel located in unincorporated Alameda County in the Sunol Valley with Oliver de Silva, Inc., as tenant, through June 1, 2021, pursuant to San Francisco Charter Section 9.118, with rights to extend the term for two years to complete reclamation and with potential expansion and extension rights subject to further environmental review and regulatory approvals. (Public Utilities Commission)

(Fiscal Impact.)

6/22/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from the public property at the following locations:

Alamo Square Bulletin Board Garbage Can
Southeast corner of Page and Fillmore
Southeast corner of Buena Vista East and Haight

Mailboxes

Northwest corner of Laguna and Page
Southeast corner of Buchanan and Haight.

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and height
San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic
San Francisco Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
San Francisco Daily
Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight
San Francisco Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti at the following private property locations:

310 Divisadero
857 Divisadero
312 Divisadero
498 Broderick
1037 Oak
561 Page
600 Page
350 Laguna
355 Laguna
500 Fillmore
1468 Haight
1470 Haight
1401 Haight
478 Haight
1305 Haight
1301 Haight
1196 Haight
793 Haight
904 Haight
922 Haight
501 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from utility poles at the following locations:

Metal Poles

Southeast corner of Buena Vista East and Haight
Southwest corner of Haight and Fillmore
Northeast corner of Haight and Webster

Wood Pole

Northeast corner of Webster and Hermann

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from the following public property locations:

Utility Boxes

Southwest corner Post and Scott
Northeast corner of Waller and Stanyan

Bus Shelters

Southwest corner of Buena Vista East and Haight
Southeast corner of Stanyan and Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime)

Fire Hydrant

Southeast corner of Steiner and Haight

Emergency Boxes

Southeast corner of Frederick and Cole

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of repairing potholes at the following locations:

Potholes:

On Fillmore & Grove, on the west side of street
Irving & 17th Avenue

In Memoriams

Tony Patch - Entire Board

Joseph Cannon Houghteling - Supervisor Chiu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:07 p.m.

Angelo Colvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on July 28, 2009.

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翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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MEETING MINUTES
Tuesday, July 7, 2009
2:00 PM
City Hall, Legislative Chamber, Room 250
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avolos, David Campos, Dovid Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Seon Elsbernd, Eric Mor, Sophie Maxwell, Ross Mirkorimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090701 **[Setting Patient Rates - effective July 1, 2009]** **Mayor**

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2009.

Enacted Number: 153-09

FINALLY PASSED

090702 **[Emergency Medical Services Fees]** **Mayor**

Ordinance amending the San Francisco Health Code by amending Section 901 and adding Section 914.5, and amending San Francisco Business and Tax Regulations Code Section 249.8, to amend definitions, add fees and a Certificate of Participation requirement for facilities that receive patients through ambulance service providers, and making environmental findings.

Enacted Number: 154-09

FINALLY PASSED

090703 **[Chain Restaurant Surcharge]** **Mayor**

Ordinance adding Section 249.21 to the Business and Tax Regulations Code to impose a surcharge on chain restaurants that qualify as food facilities under State law to recover the Department of Public Health's costs of enforcing California Health and Safety Code Section 114094 regarding disclosure of nutritional and calorie content information, adding provisions for the Controller to adjust fees annually, and making environmental findings.

Enacted Number: 155-09

FINALLY PASSED

090711 **[Recreation and Park Department - Clubhouses and Gymnasiums Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.21 to increase the fees at the Clubhouses and Gymnasiums, to eliminate the reservation fee and making environmental findings.

Enacted Number: 156-09

FINALLY PASSED

090713 **[Recreation and Park - Day Camp Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.15 to increase fees for Day Camps and making environmental findings.

Enacted Number: 157-09

FINALLY PASSED

090714 **[Recreation and Park - Kezar Parking Lot Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.08 to increase fees for parking in the lot at the Kezar Stadium and making environmental findings.

Enacted Number: 158-09

FINALLY PASSED

090718 **[Recreation and Park Department - Japanese Tea Garden Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.05 to add a non-resident entrance fee for the Japanese Tea Garden and making environmental findings.

Enacted Number: 159-09

FINALLY PASSED

090720 **[Recreation and Park - Conservatory of Flowers Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.34 to add a non-resident entrance fee for the Conservatory of Flowers and making environmental findings.

Enacted Number: 160-09

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

090367 **[Planning Code Amendment - Philanthropic Administrative Service Use; Zoning Map Amendment - 2503 Clay Street]** **Supervisor Alioto-Pier**

Ordinance amending the San Francisco Planning Code by adding Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet ZN02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street) from RH-2 to Upper Fillmore Street NCD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Enacted Number: 161-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance

090627 **[Extending the duration of the Film Rebate Program and limiting the rebate available to film productions for police services]** **Supervisors Alioto-Pier, Dufty**

Ordinance amending Administrative Code Section 57.8 by extending the Film Rebate Program through June 30, 2012, and modifying the definition of "qualified production cost" in order to limit rebates available to film productions for the use of certain police services.

Enacted Number: 162-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090712 **[Recreation and Park Department - Aquatic Facilities Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.40 to increase the fees at the Aquatic facilities and making environmental findings.

Enacted Number: 163-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

090717 **[Recreation and Park Department - Athletic Field Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.36 to increase the fees for use of Athletic Fields and making environmental findings.

(Supervisor Mirkarimi dissented in Committee.)

Enacted Number: 164-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

090719 **[Recreation and Park Department - Latch Key and Afterschool Programs Fees]** **Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.30 to increase fees for Latchkey and Afterschool programs and making environmental findings.

Enacted Number: 165-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

Recommendation of the Government Audit and Oversight Committee

090740 **[Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture]** **Supervisors Mar, Maxwell, Mirkarimi, Daly**

Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture and to drop the charges against the "San Francisco 8" defendants.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Resolution be TABLED. The motion FAILED by the following vote:

Ayes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Noes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Continued to August 4, 2009.

Supervisor Mar, seconded by Supervisor Daly, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090697 **[Increasing Street Artist Certificate Fee]** **Mayor**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090705 **[Fees for Fire Department Services and Permits - Fire Code]** **Mayor**

Ordinance amending Sections 112.2, 112.3, 112.7, 112.8, 112.9, 112.10, 112.11, 112.15, 112.17, 112.18, 112.19 and Tables 112-A, 112-B and 112-C of Appendix Chapter 1 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits and to add additional permits, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090706 **[Fees for Fire Department emergency medical services]** **Mayor**

Ordinance amending Section 128.1 of the San Francisco Health Code to increase fees for Fire Department emergency medical services and to update the language regarding fee changes in subsequent fiscal years, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090707 **[Increasing and establishing certain Fire Department licensing fees]** **Mayor**

Ordinance amending Sections 90, 93, 93.1, 94, 120, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the San Francisco Business and Tax Regulations Code to increase or establish and set licensing fees for certain permits issued by the Fire Department and adding Sections 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234 and 235 to establish and set fees for additional Fire Department licenses, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090708 **[Increasing Fire Department fees for street fairs]** **Mayor**

Ordinance amending Section 6.6 of the San Francisco Transportation Code to increase fees for Fire Department services, permits and inspections related to street fairs, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090710 **[Sale of combustion turbines]** **Mayor, Supervisor Mirkarimi**

Ordinance authorizing the Public Utilities Commission, working in conjunction with the City Attorney, to sell the four combustion turbines transferred to the City as part of the Williams Settlement in a manner that maximizes the public benefits to the City consistent with the State Agreements.

Supervisor Alioto-Pier moved to divide the question relating to "b) Concurrent with the preparation of the CTs for sale in Fiscal Year 2009-2010, authorized in this ordinance, the PUC is instructed to analyze the feasibility of local cogeneration projects. If any of these projects demostrates initial feasibility and environmental benefit, and requires purchase from the City of a CT unit, the PUC is instructed to report to the Mayor and Board of Supervisors on what actions would allow for consideration of this project or projects located on Page 2, Line 24, through Page 3, Line 4.

The question relating to "feasibility for sale in Fiscal Year 2009-2010" was passed as divided by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Alioto-Pier

PASSED ON FIRST READING AS DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090721 **[Medical Examiner's Fees for Copies of Documents and Certain Services]** **Mayor**

Ordinance amending Section 8.14 of the S.F. Administrative Code to increase the Medical Examiner's fees for copies of documents and certain services and adding fees for new services.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090722 **[Public Works Code - Increasing Tree Removal Permit Fees]** **Mayor**

Ordinance amending Section 806 of the Public Works Code to increase the fees charged for removal of street trees under the Urban Forestry Ordinance from $267 to $607, for a permit to remove 1-3 street trees to allow for development or construction; from $267 to $300, for a permit to remove 1-3 street trees to prevent sidewalk damage or to remove hazards; from $360 to $808, for a permit to remove 4-9 street trees; and from $565 to $1,214, for a permit to remove 10 or more street trees; and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090724 **[Establishing a Cigarette Litter Abatement Fee]** **Mayor**

Ordinance amending the San Francisco Administrative Code (1) by adding a new Chapter 105 to establish a Cigarette Litter Abatement Fee of $0.20 per pack of cigarettes sold in San Francisco to recover the cost of abating cigarette litter from City streets, sidewalks, and other public property and (2) by adding a new Section 10.100-70 to establish an Environment Cigarette Litter Abatement Fund; amending the San Francisco Health Code, Article 19H, Section 1009.60 to allow the Director of the Department of Public Health to suspend a tobacco sales permit and impose administrative penalties for failure to pay the Cigarette Litter Abatement Fee; amending Article 6 of the San Francisco Business and Tax Regulations Code to include the Cigarette Litter Abatement Fee; and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090800 **[Establishing Carbon Mitigation Program]** **Mayor, Supervisor Dufty**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 52 to establish the San Francisco Carbon Mitigation Program administered by the Department of the Environment to reduce or offset local greenhouse gas emissions; and making environmental findings.

(Supervisor Chu dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

090817 **[Public Education Enrichment Fund for FY 2009-2010 - San Francisco Children and Families Commission]** **Supervisors Avalos, Dufty, Mirkarimi**

Resolution approving the San Francisco Children and Families Commission expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2009-2010.

Enacted Number: 280-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090818 **[Public Education Enrichment Fund for FY 2009-2010 - San Francisco Unified School District]** **Supervisors Avalos, Dufty, Mirkarimi**

Resolution approving the San Francisco Unified School District expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2009-2010.

Enacted Number: 281-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

090318 **[Planning Code-Landmark Designation of 2055 Union Street (Metro Theater)]** **Supervisor Alioto-Pier**

Ordinance designating 2055 Union Street (Metro Theater), Assessor's Block No. 0541, Lot No. 018, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code 101.1(b) and environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

090109 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

The President inquired as to whether any member of the public wished to address the Board members. There were none.

The President declared the public hearing closed.

Continued to August 11, 2009.

Supervisor Campos, seconded by Supervisor Mar, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090110 **[Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to August 11, 2009.

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090111 **[Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to August 11, 2009.

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090112 **[Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

Continued to August 11, 2009.

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

090603 **[Appointment, Historical Preservation Commission - James Buckley]**

Motion approving the Mayor's nomination for appointment of James Buckley to the Historical Preservation Commission, Seat No. 4, for a two-year term, ending date to be determined.

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. companion measure to File 090604. Transmittal date - May 18, 2009.)

Enacted Number: M09-125

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090788 **[Appointment, Historical Preservation Commission - Andrew Wolfram]**

Motion approving the Mayor's nomination for appointment of Andrew Wolfram to the Historical Preservation Commission, Seat No. 2, for a two-year term, ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090789. Transmittal date - June 4, 2009.)

Enacted Number: M09-124

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.

Richard McRee; expressed concerns relating to San Francisco politics.

Mark Blumberg; Bill Lawrence; Allen Duffy; expressed concerns relating to taxi reform.

Monica; expressed concerns relating to violence on MUNI.

Abdullah Megaheed; expressed various concerns.

Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.

John DiDonna, expressed various concerns.

Anna Maria; expressed concerns relating to funding for programs for low-income residents in the Mission.

Raymond Jose; expressed concerns relating to funding for HOMEY program.

Eric DeSanta; Male Speaker; expressed support for Honduras and human rights.

Nancy Cross; expressed concerns relating to smoking cessation and associated City policies.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090863 **[Support for the passing of Assembly Concurrent Resolution No. 42 (Fong; Chinese Americans in California)]** **Supervisors Mar, Chiu, Chu, Campos**

Resolution supporting Assembly Concurrent Resolution No. 42 (Fong) that recognizes the extraordinary hardships of Chinese in California as a result of systematic discriminatory practices implemented at the legislative level, which conflict with the principles upon which our country was founded.

Supervisors Chu and Campos requested to be added as co-sponsors.

Enacted Number: 282-09

ADOPTED

090864 **[Celebrating the 20th anniversary of San Francisco Animal Care & Control]** **Supervisors Mar, Campos**

Resolution celebrating the 20th anniversary of San Francisco Animal Care & Control.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 283-09

ADOPTED

090865 **[Denouncing the coup de etat in Honduras and urging the Honduran government and the international community to support democratic, transparent elections that respect human rights, national sovereignty and democracy]** **Supervisors Campos, Avalos, Daly, Mar, Maxwell, Mirkarimi, Dufty**

Resolution denouncing the coup de etat against the duly elected President of Honduras and urging the Honduran government and international community to support democratic elections that respect human rights, national sovereignty, and economic sustainability that leads to conditions of peace and democracy.

Enacted Number: 285-09

ADOPTED

090777 **[Final Map - 30-36 Guerrero Street; 1927 Market Street]**

Motion approving Final Map 4747, a three Residential Unit and one Commercial Unit Mixed-Use Condominium Project, also being a Subdivision of that real property, located at 30 - 36 Guerrero Street, 1927 Market Street being a subdivision of Lots 002 and 005 in Assessors Block No. 3501 and adopting findings pursuant to the General Plan and City Planning Code Section 101. (Public Works Department)

(DPW Order 178,223; District 8.)

Enacted Number: M09-123

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Absent: 1 - Maxwell

IMPERATIVE AGENDA

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding] Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090885 **[Urging all San Francisco Giants fans to vote for Pablo Sandoval to represent the Giants and San Francisco at the 2009 Major League Baseball All-Star Game]** **Supervisors Avalos, Dufty, Alioto-Pier, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi**

Resolution to encourage San Francisco Giants fans to vote for Pablo Sandoval as an All-Star.

The entire Board requested to be added as co-sponsors.

Enacted Number: 284-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090886 **[Water Revenue Bond Issuance - $1,310,307,119]** **Supervisor Avalos**

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

7/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090889 **[Regulations for Mortgage Modification Consultants]** **Supervisors Campos, Maxwell, Mirkarimi, Dufty, Chiu, Chu**

Ordinance amending the San Francisco Police Code by adding Article 27 to regulate mortgage modification consultants by: (1) requiring a written contract describing mortgage modification services to be provided prior to initiation of services; (2) requiring that any contract entered into for these services provide notice that the contract may be cancelled within fourteen calendar days and that services may be obtained free of charge from nonprofit sources; (3) prohibiting collection of fees until the consultant has obtained a written loan modification offer for the homeowner; and (4) providing for enforcement by criminal penalties and a private cause of action for homeowners, and making environmental findings.

7/7/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/7/2009.

Resolutions

090885 **[Urging all San Francisco Giants fans to vote for Pablo Sandoval to represent the Giants and San Francisco at the 2009 Major League Baseball All-Star Game]** **Supervisors Avalos, Dufty, Alioto-Pier, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi**

Resolution to encourage San Francisco Giants fans to vote for Pablo Sandoval as an All-Star.

7/7/09, ADOPTED. The entire Board requested to be added as co-sponsors.

090887 **[Water Revenue Bonds Issuance - not to exceed $1,120,185,000]** **Supervisor Avalos**

Resolution approving the issuance of not to exceed $1,120,185,000 aggregate principal amount of San Francisco water revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith, and related matters.

(Fiscal Impact.)

7/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090888 **[Calling on San Francisco Municipal Transportation Agency to calm traffic on Addison Street]** **Supervisor Dufty**

Resolution calling on the San Francisco Municipal Transportation Agency to install speed humps or speed cushions on Addison Street.

7/7/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090890 **[Supporting Assembly Bill 155 (Mendoza), a bill to prevent unnecessary municipal bankruptcies]** **Supervisor Alioto-Pier**

Resolution supporting Assembly Bill 155 (Mendoza) to prevent unnecessary municipal bankruptcies in California.

7/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090891 **[Accept and Expend State Grant - Office of the Public Defender - $100,583]** **Supervisor Campos**

Resolution authorizing the San Francisco Public Defender's Office to accept and expend a grant in the amount of $100,583 from the State Corrections Standards Authority for the purposes of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

7/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090892 **[Mortgage Revenue Bonds]** **Supervisors Daly, Mirkarimi, Campos**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $75,000,000 for the 220 Golden Gate Avenue Development (as such project is defined herein); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $75,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

7/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090893 **[Accept and Expend Federal Funds - Department of the Environment - $60,000]** **Supervisors Mar, Campos**

Resolution authorizing the Department of the Environment to accept and expend funds from the United States Department of Energy's Office of Energy Efficiency and Renewable Energy Vehicle Technologies Program in the amount of $60,000 to support San Francisco's Clean Cities Coalition Program and its work related to reducing petroleum use and improving air quality in the City and County of San Francisco.

7/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090894 **[Apply for funds from the Clean Water State Revolving Fund for the Newcomb Avenue Streetscape Project]** **Supervisor Maxwell**

Resolution authorizing the San Francisco Planning Department to apply for funds from the State of California Clean Water State Revolving Fund for streetscape, traffic calming, and green stormwater improvements along the 1700 Block of Newcomb Avenue.

7/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

090845 **[Settlement of Lawsuit - Yao Tondo - $140,000]**

Ordinance authorizing settlement of the lawsuit filed by Yao Tondo as successor in interest to decedent Joe Tondo against the City and County of San Francisco for $140,000; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No 463-946, entitled Yao Tondo as successor in interest to decedent Joe Tondo v. City and County of San Francisco, et al. (City Attorney)

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

090846 **[Settlement of Lawsuit - Mai Tai Investors L.P., et al. - $40,000]**

Ordinance authorizing settlement of the lawsuit filed by Mai Tai Investors L.P., et al. against the City and County of San Francisco for $40,000; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486061; entitled Mai Tai Investors L.P., et al., v. City and County of San Francisco, et al. (City Attorney)

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

090847 **[Settlement of Lawsuit - Tony Nguyen, dba MicroLan - $100,000]**

Ordinance authorizing settlement of the lawsuit filed by Tony Nguyen, dba MicroLan, against the City and County of San Francisco for $100,000; the lawsuit was filed on December 10, 2007, in the San Francisco Superior Court, Case No. 469890; entitled Tony Nguyen, dba MicroLan v. City and County of San Francisco, et al. (City Attorney)

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090848 **[Emergency contract to repair the Fireboat at Pier 22 1/2]**

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to repair the Fireboat at Pier 22 1/2. (Public Works Department)

(Fiscal Impact.)

6/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Daly
To: City Attorney

Requesting/Inquiring: Request for legislation requiring submission of Annual Appropriation Ordinance and Annual Salary Ordinance by May 1st.

From: Supervisors Daly and Mirkarimi
To: Public Defender, Jeff Adachi

Requesting/Inquiring: Inquiring to the Public Defender's Office from Supervisor Chris Daly:

1. What is the amount of the shortfall in the Public Defender's budget, and how will this shortfall affect your office's operations and programs? Which specific programs would you have to eliminate if the budget cut proposed by the Mayor is imposed?

2. How much of the budget shortfall would affect the legal representation of indigent children? How would it affect the quality of the work that you were able to perform? Is that work required or mandated by statute?

3. How much of the budget shortfall would result in additional costs to the city as a result of having to outsource cases to private attorneys? Would there be a net increase or decrease in costs of outsourcing cases to private attorneys after the city realized the savings by reducing your staff?

4. Are there any programs that you could eliminate without affecting your caseloads or workloads of your public defenders? What are these programs and what functions do they perform?

5. Have you considered any other alternatives other than outsourcing cases to private attorneys at an hourly rate? Are there any private law firms that might be willing to take cases that the Public Defender cannot handle on a pro bono basis?

6. What is the minimum amount of funding needed to maintain the current caseload of the Public Defender's office in order to avoid the need to outsource cases to private attorneys?

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner

Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly

Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans

Southwest corner Webster & Haight
Southeast corner Buena Vista East & Haight

Mailboxes

Southwest corner Ellis & Divisadero
Northwest corner Golden Gate & Divisadero
Southwest corner Laguna & Haight
Northeast corner Fillmore & Haight
Northwest Haight & Fillmore

Street Wall

On Hayes, across from Alamo Square, between Scott & Pierce

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property locations:

Utility Boxes

Northwest corner Octavia & Market
Northwest corner Buchanan & Fell

Bus Shelters

Southwest corner Buchanan & Haight
Southeast corner Fillmore & Hermann (inside canopy)
Fillmore and Haight (all 4 bus stops, graffiti and grime)

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole

Southwest corner Sutter & Scott
Southwest corner Fell & Buchanan
Northeast corner Haight & Fillmore
Southwest corner Oak & Fillmore
Southwest corner Octavia & Haight
Northwest corner Oak & Buchanan
In front of 498 Haight
In front of 112 Haight

Wood Pole

Northwest corner Sutter & Scott
Northwest corner Webster & Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

1655 Divisadero
839 Divisadero
1389 Divisadero
500 Haight
1037 Oak
398 Haight
295 Haight
55 Laguna
303 Webster
1758 Fillmore
478 Haight
503 Laguna

In Memoriams

Michael Joseph Jackson - Supervisors Avalos, Campos, Maxwell

Michael Joseph Walsh - Supervisors Avalos and Dufty

Eve Minnie Tucker - Supervisor Chiu

Laurence D. Lynch - Supervisor Dufty

Susan Cagann - Supervisor Dufty

Captain William T. O'Connor - Supervisor Dufty

Celeste Dorwin Stewart - Supervisor Dufty

James Chorley - Supervisor Elsbernd

Bill Ryan - Supervisor Elsbernd

Joe Ryan - Supervisor Elsbernd

Edythe Gillette Nance - Supervisors Maxwell and Dufty

Francis M. DuBose - Supervisor Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:08 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on August 4, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room); 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber

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翻譯: 必須在會議前最少四十八小時提出要求
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The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.
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Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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July 14, 2009

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MEETING MINUTES
Tuesday, July 14, 2009
2:00 PM
City Hall, Legislative Chamber, Room 250
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of June 9, 2009, and June 16, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Clerk of the Board Angela Calvillo informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File Nos. 090276, 090277, 090278, and 090279 which would amend the Rent Ordinance.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090697 **[Increasing Street Artist Certificate Fee]** **Mayor**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and making environmental findings.

Enacted Number: 152-09

FINALLY PASSED

090705 **[Fees for Fire Department Services and Permits - Fire Code]** **Mayor**

Ordinance amending Sections 112.2, 112.3, 112.7, 112.8, 112.9, 112.10, 112.11, 112.15, 112.17, 112.18, 112.19 and Tables 112-A, 112-B and 112-C of Appendix Chapter 1 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits and to add additional permits, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings

Enacted Number: 171-09

FINALLY PASSED

090706 **[Fees for Fire Department emergency medical services]** **Mayor**

Ordinance amending Section 128.1 of the San Francisco Health Code to increase fees for Fire Department emergency medical services and to update the language regarding fee changes in subsequent fiscal years, and making environmental findings.

Enacted Number: 170-09

FINALLY PASSED

090707 **[Increasing and establishing certain Fire Department licensing fees]** **Mayor**

Ordinance amending Sections 90, 93, 93.1, 94, 120, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the San Francisco Business and Tax Regulations Code to increase or establish and set licensing fees for certain permits issued by the Fire Department and adding Sections 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234 and 235 to establish and set fees for additional Fire Department licenses, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

Enacted Number: 169-09

FINALLY PASSED

090708 **[Increasing Fire Department fees for street fairs]** **Mayor**

Ordinance amending Section 6.6 of the San Francisco Transportation Code to increase fees for Fire Department services, permits and inspections related to street fairs, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

Enacted Number: 168-09

FINALLY PASSED

090721 **[Medical Examiner's Fees for Copies of Documents and Certain Services]** **Mayor**

Ordinance amending Section 8.14 of the S.F. Administrative Code to increase the Medical Examiner's fees for copies of documents and certain services and adding fees for new services.

Enacted Number: 167-09

FINALLY PASSED

090722 **[Public Works Code - Increasing Tree Removal Permit Fees]** **Mayor**

Ordinance amending Section 806 of the Public Works Code to increase the fees charged for removal of street trees under the Urban Forestry Ordinance from $267 to $607, for a permit to remove 1-3 street trees to allow for development or construction; from $267 to $300, for a permit to remove 1-3 street trees to prevent sidewalk damage or to remove hazards; from $360 to $808, for a permit to remove 4-9 street trees; and from $565 to $1,214, for a permit to remove 10 or more street trees; and making environmental findings.

Enacted Number: 166-09

FINALLY PASSED

090724 **[Establishing a Cigarette Litter Abatement Fee]** **Mayor**

Ordinance amending the San Francisco Administrative Code (1) by adding a new Chapter 105 to establish a Cigarette Litter Abatement Fee of $0.20 per pack of cigarettes sold in San Francisco to recover the cost of abating cigarette litter from City streets, sidewalks, and other public property and (2) by adding a new Section 10.100-70 to establish an Environment Cigarette Litter Abatement Fund; amending the San Francisco Health Code, Article 19H, Section 1009.60 to allow the Director of the Department of Public Health to suspend a tobacco sales permit and impose administrative penalties for failure to pay the Cigarette Litter Abatement Fee; amending Article 6 of the San Francisco Business and Tax Regulations Code to include the Cigarette Litter Abatement Fee; and making environmental findings.

Enacted Number: 173-09

FINALLY PASSED

090651 **[Memorandum of Understanding between the Treasure Island Development Authority and the Office of the City Administrator]** **Mayor**

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Memorandum of Understanding appointing the City, acting by and through the Office of the City Administrator, as its agent to provide the services to carry out the Authority's operations and provide oversight to the Treasure Island Project Office for the term beginning July 1, 2009.

Enacted Number: 288-09

ADOPTED

090738 **[Accept and Expend Federal Grant - Port Commission - $1,800,000]** **Mayor**

Resolution authorizing the San Francisco Port Commission to accept and expend $1,800,000 in Federal American Recovery and Reinvestment Act grant funds from the State Water Resources Control Board to fund utility infrastructure improvements at the Pier 45 fish processing facility.

Enacted Number: 290-09

ADOPTED

090796 **[Recurring FY 2009-2010 State grant funds to the Department of Public Health]** **Supervisor Dufty**

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health for FY 2009-2010.

(Fiscal Impact.)

Enacted Number: 295-09

ADOPTED

Recommendation of the Land Use and Economic Development Committee

090318 **[Planning Code-Landmark Designation of 2055 Union Street (Metro Theater)]** **Supervisor Alioto-Pier**

Ordinance designating 2055 Union Street (Metro Theater), Assessor's Block No. 0541, Lot No. 018, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code 101.1(b) and environmental findings.

Enacted Number: 175-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090710 **[Sale of combustion turbines]** **Mayor, Supervisor Mirkarimi**

Ordinance authorizing the Public Utilities Commission, working in conjunction with the City Attorney, to sell the four combustion turbines transferred to the City as part of the Williams Settlement in a manner that maximizes the public benefits to the City consistent with the State Agreements.

Supervisor Alioto-Pier moved to divide the question relating to "b) Concurrent with the preparation of the CTs for sale in Fiscal Year 2009-2010, authorized in this ordinance, the PUC is instructed to analyze the feasibility of local cogeneration projects. If any of these projects demostrates initial feasibility and environmental benefit, and requires purchase from the City of a CT unit, the PUC is instructed to report to the Mayor and Board of Supervisors on what actions would allow for consideration of this project or projects located on Page 2, Line 24, through Page 3, Line 4.

The question relating to "feasibility for sale in Fiscal Year 2009-2010" was passed as divided by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Alioto-Pier

FINALLY PASSED AS DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090800 **[Establishing Carbon Mitigation Program]** **Mayor, Supervisor Dufty**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 52 to establish the San Francisco Carbon Mitigation Program administered by the Department of the Environment to reduce or offset local greenhouse gas emissions; and making environmental findings.

(Supervisor Chu dissented in Committee.)

Enacted Number: 172-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090778 **[Annual Salary Ordinance, FY 2009-2010]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

Continued to July 21, 2009.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090779 **[Consolidated Budget and Annual Appropriation Ordinance, FY 2009-2010]**

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for FY ending June 30, 2010.

Continued to July 21, 2009.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance he CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090585 **[Safe Streets and Road Repair General Obligation Bond Election - $368,000,000]** **Mayor, Supervisors Chiu, Dufty, Mar, Campos**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 3, 2009 for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $368,000,000 to finance the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act, ("CEQA"); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 3, 2009, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County:

$368,000,000 to finance the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy, reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act, ("CEQA"); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd

090716 **[Recreation and Park-Parking]** **Mayor**

Ordinance amending Article 6 of the Park Code by adding Section 6.14 to authorize the San Francisco Municipal Transportation Agency to identify areas located on property under the jurisdiction of the Recreation and Park Commission that are suitable for paid parking; to set rates for such parking; and to develop and implement a parking management plan for park property, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090837 **[Penalty for alcohol content testing in Driving Under the Influence cases]** **Mayor**

Ordinance amending Administrative Code by adding Section 8.14-1, to impose an additional $50 penalty for violation of certain Vehicle Code sections to pay for alcohol testing by the Medical Examiner.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090694 **[Treasure Island Development Authority Budget, FY 2009-2010]** **Mayor**

Resolution approving the Budget of the Treasure Island Development Authority for FY 2009-2010.

(Fiscal Impact.)

Enacted Number: 287-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090767 **[Appointment, Public Utilities Commission - Anson Moran]**

Motion confirming the Mayor's appointment of Anson Moran to the Public Utilities Commission, Seat 4, for the unexpired portion of a two-year term ending August 1, 2010 (Clerk of the Board)

(Charter Section 4.112(a) provides that the Board of Supervisors shall confirm appointment by a majority (six votes) of the Board of Supervisors; companion measure to File 090768. Transmittal date - June 1, 2009.) (Supervisor Campos dissented in Committee.)

Continue to July 21, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Campos, moved that this Motion be CONTINUED. The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Campos, Elsbernd, Mar, Mirkarimi
Noes: 6 - Avalos, Chiu, Chu, Daly, Dufty, Maxwell

APPROVED by the following vote:

Ayes: 8 - Alioto-Pier, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 3 - Avalos, Campos, Mar

Supervisors Daly and Mirkarimi Excused from Voting

Supervisor Maxwell, seconded by Supervisor Campos, moved to excuse Supervisors Daly and Mirkarimi from voting on File No. 090882. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Avalos, Mirkarimi

090882 **[Appointments, Association of Bay Area Government - Supervisors John Avalos and Ross Mirkarimi]**

Motion appointing Supervisors John Avalos and Ross Mirkarimi, terms ending June 30, 2011, to the Association of Bay Area Governments Executive Board.

Enacted Number: M09-126

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Avalos, Mirkarimi

090608 **[Charter Amendment - Allowing the Board of Supervisors to designate certain appropriations as mandates to expend the money appropriated]** **Supervisor Daly**

Charter Amendment (Second Draft) to amend Sections 9.103 and 9.104 to allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, requiring the relevant City departments to report to the Board on their plans for expenditure of the money appropriated, and allowing the Mayor to reject or reduce an appropriation identified as mandatory and to reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

(Supervisor Chu dissented in Committee.)

Continued to July 21, 2009.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to the family of Larry Lattimore, upon his passing, in recognition of his accomplishments as organizer/advocate with POWER and the Living Wage Coalition.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Ricardo Pena and Connie Rivera, leaders of Mixcoati Anahuac Aztec dance group, in recognition of their positive impact on the Mission District through art, dance, and culture

SPECIAL ORDER 4:00 P.M.

090812 **[Public Hearing - Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17880 dated May 14, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2007.0128CV), under Planning Code Sections 209.3, 303, and 317 to allow an existing private secondary school (the Drew School), to expand its facility and enrollment cap, and to demolish an existing 3-unit building within an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District, on property located at 2901 California Street/1831-1835 Broderick Street, Lot Nos. 003 and 095 in Assessor's Block 1029. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/15/09; Companion measure to Files 090813, 090814, 090815; District 2.)

The President inquired as to whether any member of the public wished to address the Board members on the continuance. Steve Williams (Appellant) spoke indicating no objection to the continuance. There were no other speakers. The President declared the public comment closed on the continuance.

Continued to August 4, 2009.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090813 **[Approving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Motion approving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to August 4, 2009.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090814 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Motion disapproving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project. (Clerk of the Board)

Continued to August 4, 2009.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090815 **[Preparation of findings related to the Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project, for action by the Board at its next meeting. (Clerk of the Board)

Continued to August 4, 2009.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

090783 **[Settlement of Lawsuit - Jane Martin and David Baker - $190,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for $190,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090811 **[Settlement of Lawsuit - Craig Yates and Richard Skaff - $312,000]**

Ordinance authorizing settlement of multiple lawsuits filed by Craig Yates and Richard Skaff against the City and County of San Francisco and San Francisco Uptown Parking Corporation for $312,000; further authorizing settlement of San Francisco's cross-claims against San Francisco Parking, Inc., d/b/a City Park for $150,000 to be paid to the City and County of San Francisco; the lawsuits entitled: (1) Craig Yates v. Union Square, et al., Case No. C07-4087-JSW, filed August 9, 2007, in the United States District Court, Northern District of California; (2) Craig Yates v. Union Square, et al., Case No. CGC-08-473176, filed March 11, 2008, in San Francisco Superior Court; (3) Richard Skaff v. Union Square, et al., Case No. 08-CV-2555-JSW, filed May 20, 2008, in the United States District Court, Northern District of California; and (4) Richard Skaff v. Union Square, et al., Case No. CGC-08-475516, filed May 20, 2008, in San Francisco Superior Court. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090845 **[Settlement of Lawsuit - Yao Tondo - $140,000]**

Ordinance authorizing settlement of the lawsuit filed by Yao Tondo as successor in interest to decedent Joe Tondo against the City and County of San Francisco for $140,000; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No. 463-946; entitled Yao Tondo as successor in interest to decedent Joe Tondo v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090846 **[Settlement of Lawsuit - Mai Tai Investors L.P., et al. - $40,000]**

Ordinance authorizing settlement of the lawsuit filed by Mai Tai Investors L.P., et al. against the City and County of San Francisco for $40,000; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486061; entitled Mai Tai Investors L.P., et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090847 **[Settlement of Lawsuit - Tony Nguyen, dba MicroLan - $100,000]**

Ordinance authorizing settlement of the lawsuit filed by Tony Nguyen, dba MicroLan, against the City and County of San Francisco for $100,000; the lawsuit was filed on December 10, 2007, in the San Francisco Superior Court, Case No. 469890; entitled Tony Nguyen, dba MicroLan v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090784 **[Settlement of Unlitigated Claim - Freda Quimbo - $70,000]**

Resolution approving the settlement of the unlitigated claim filed by Freda Quimbo against San Francisco for $70,000; claim was filed on February 11, 2009. (City Attorney)

Enacted Number: 291-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090831 **[Settlement of Potential Litigation - George Boutros - $25,000]**

Resolution authorizing settlement of potential litigation with George Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust, related to encroachments on San Francisco Public Utilities Commission Right of Way easements that cross Boutros residential property located at 90 Sea Cliff Avenue, San Francisco, CA. (City Attorney)

Enacted Number: 292-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090622 **[Charter Amendment - Instituting two-year budgetary cycle, providing for the adoption of a five-year financial plan and imposing a deadline of May 15th for submission of MOUs for**

Mayor, Supervisors Chiu, Mirkarimi, Avalos, Campos

Charter Amendment (First Draft) to amend Sections 2.103, 2.108, 2.117, 3.105, 9.100, 9.101, 9.102, 9.103, 9.104, 9.113, 9.113.5, 9.114, 11.100, A8.409-4, A8.590-5, A8.590-8, 16.112, and Article XVII, and adding Sections 9.119, 9.120, and 9.121 to institute a "rolling" two-year budgetary cycle (the City would adopt a new two-year budget each year), allow the Board of Supervisors to convert the rolling two-year budgetary cycle for some or all departments into a "fixed" two-year cycle (each two-year budget would stay in effect for two years), impose a deadline of June 30th for the Board of Supervisors to approve or adopt new terms and conditions of employment for miscellaneous or safety employees if those terms and conditions are to be effective during the upcoming fiscal year, require that City departments, including the Board of Supervisors, post various notices on the departments' websites and eliminate the requirement that the departments publish such notices in the City's official newspaper, and allow the Controller to certify the availability of funds based on the expectation that funds will become available during the course of the budgetary cycle.

Continued to July 21, 2009.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

James Chaffee; expressed concerns relating to the SF Public Library.

Richard McRee; expressed concerns relating to San Francisco history and ethics.

Male Speaker; expressed various concerns.

Denise Coleman; expressed concerns relating to juvenile justice.

Bill Davis; expressed various concerns.

Stephanie; Shaney; Tina; Male Speaker; Female Speaker; expressed various support for the office of the public defender.

Walter; shared in song certain concerns with the Board.

Male Speaker; expressed concerns relating workforce development.

Valentina: expressed concerns relating to community needs in the Mission District.

Female Speaker; expressed concerns relating to tenant's rights.

Richard Robinson; expressed various concerns.

Privilege of the floor was granted to Public Defender Jeff Adachi who spoke expressing concerns relating to the Office of the Public Defender.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090891 **[Accept and Expend State Grant - Office of the Public Defender - $100,583]** **Supervisor Campos**

Resolution authorizing the San Francisco Public Defender's Office to accept and expend a grant in the amount of $100,583 from the State Corrections Standards Authority for the purposes of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

Enacted Number: 294-09

ADOPTED

090892 **[Mortgage Revenue Bonds]** **Supervisors Daly, Mirkarimi, Campos**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $75,000,000 for the 220 Golden Gate Avenue Development (as such project is defined herein); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $75,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 286-09

ADOPTED

090893 **[Accept and Expend Federal Funds - Department of the Environment - $60,000]** **Supervisors Mar, Campos**

Resolution authorizing the Department of the Environment to accept and expend funds from the United States Department of Energy's Office of Energy Efficiency and Renewable Energy Vehicle Technologies Program in the amount of $60,000 to support San Francisco's Clean Cities Coalition Program and its work related to reducing petroleum use and improving air quality in the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 289-09

ADOPTED

090894 **[Apply for funds from the Clean Water State Revolving Fund for the Newcomb Avenue Streetscape Project]** **Supervisor Maxwell**

Resolution authorizing the San Francisco Planning Department to apply for funds from the State of California Clean Water State Revolving Fund for streetscape, traffic calming, and green stormwater improvements along the 1700 Block of Newcomb Avenue.

Enacted Number: 293-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Absent: 1 - Campos

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chu requested that this matter be severed so that it may be considered separately.

090890 **[Supporting Assembly Bill 155 (Mendoza), a bill to prevent unnecessary municipal bankruptcies]** **Supervisor Alioto-Pier**

Resolution supporting Assembly Bill 155 (Mendoza) to prevent unnecessary municipal bankruptcies in California

Continued to July 21, 2009.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090906 **[Planning - Uses Permitted in R Districts - Double Density for Senior Housing]** **Supervisor Chiu**

Ordinance amending the Planning Code by adding Section 102.6.1 to create a definition related to housing for seniors; amending Planning Code Section 209.1(m) related to the Uses Permitted in R Districts - Dwelling Zoning Control Table to update the requirements for obtaining double density for providing senior housing and, adding Section 209.1(o) to require, in certain circumstances, a conditional use authorization; making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

7/14/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/13/2009.

090909 **[Citizen's Committee on Community Development]** **Mayor, Supervisors Daly, Avalos, Mirkarimi**

Ordinance amending the Administrative Code by adding Section 2A.290 to establish the Citizen's Committee on Community Development, an advisory body jointly appointed by the Mayor and the Board of Supervisors, that is responsible for making policy recommendations and providing for citizen participation regarding community development strategy in the City, and making annual funding recommendations for the federal Housing and Urban Development Community Development Block Grant and Emergency Shelter Grant programs.

7/14/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Resolutions

090907 **[Contract to rehabilitate 16 Presidential Conference Committee historic streetcars]** **Supervisor Chiu**

Resolution authorizing the Municipal Transportation Agency to enter into a contract with Brookville Equipment Corporation to rehabilitate 16 Presidential Conference Committee historic streetcars for an amount not to exceed $18,712,576 and a term not to exceed five years.

(Fiscal Impact.)

7/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090908 **[Approving Advanced Train Control System Improvement Services and Equipment Purchases]** **Supervisor Dufty**

Resolution approving Municipal Transportation Agency Contract No. 1226, Advanced Train Control System Improvement Services and Equipment Purchases, with Thales Transport & Security, Inc., for an amount not to exceed $30,000,000 for a term not to exceed five years with an option to extend the term an additional three years.

(Fiscal Impact.)

7/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090910 **[Accept and Expend Grant - Department of Public Health - $10,676]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Public Health Foundation Enterprises, Inc., in the amount of $10,676 to provide project management and collaboration services for the period of March 1, 2009, through August 31, 2009.

7/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090911 **[Accept and Expend Grant - Department of Public Health - $90,463]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Public Health Foundation Enterprises, Inc., in the amount of $90,463 to oversee and coordinate the research project for the period of April 10, 2009, through March 31, 2010.

7/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090184 **[Declaring an emergency under California Constitution Article XIIIC, Section 2(b) authorizing submission to voters of ordinance imposing a local assessment on all vehicles in San Francisco** **Supervisors Chiu, Dufty, Mirkarimi, Campos**

Resolution declaring an emergency under California Constitution Article XIIIC, Section 2(b) and authorizing submission of Ordinance that adopts and submits to the voters an ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that State law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if State law authorizes the City to impose it and directing its submission as a general tax measure for voter approval at the November 3, 2009, general municipal election.

2/10/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

7/14/09, SUBSTITUTED. Supervisor Chiu submitted a substitute ordinance bearing new title.

7/14/09, ASSIGNED to Budget and Finance Committee.

Requests for Hearing

090903 **[Comprehensive Annual Financial Report of City's external auditors for FY 2007-2008]** **Supervisor Mirkarimi**

Hearing to receive the Comprehensive Annual Financial Report (CAFR), single audit report of City's external auditors (Macias Gini & O'Connell, KPMG, Hood and Strong, and Williams Adley & Co.) audit for FY 2007-2008 and to present their management letters, if any.

6/14/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090904 **[City's external auditors audit plans for FY 2008-2009]** **Supervisor Mirkarimi**

Hearing on audit plans of the City's external auditors, Macias Gini & O'Connell and KPMG, for FY 2008-2009.

7/14/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

090867 **[Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]**

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

6/30/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee. 7/24/09 - Called from Committee. Notice sent to interested parties. 7/26/09 - Called from Committee Notice published in the Examiner.

090868 **[Bicycle Plan adoption and related General Plan amendments]**

Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1, and authorizing official acts in connection thereto. (Planning Department)

6/30/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee. 7/24/09 - Called from Committee. Notice sent to interested parties. 7/26/09 - Called from Committee Notice published in the Examiner.

PROPOSED RESOLUTIONS

090869 **[Approval of SFPUC New Irvington Tunnel Construction Management Contract not to exceed $15 million]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-918, New Irvington Tunnel Construction Management Services, with Hatch Mott MacDonald, for an amount not to exceed $15,000,000 with a term of up to five (5) years, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

7/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090883 **[Airport Concession Lease]**

Resolution approving Amendment No. 3 to the Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal Impact.)

7/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090884 **[Dissolution of San Francisco Airport Improvement Corporation]**

Resolution approving the dissolution of the San Francisco Airport Improvement Corporation, the appointment of directors, and related matters. (Airport Commission)

7/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

To: Chief, SF Police Department

Requesting/Inquiring: Requesting the Department of Public Works and the San Francisco Police Department to report on the status of removing police barricades left from the 2009 Bay to Breakers behind the Muni Bus stop at the corner of Hayes and Pierce.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore & Post

Southwest corner of Divisadero & Sutter

9th Avenue & Judah (near bus stops)

7th Avenue & Irving (near bus stops)

Northwest corner of Hayes & Fillmore

Southeast corner of Fillmore & Haight

San Francisco Chronicle

Northwest corner of Fillmore & Hayes

Southeast corner of Haight & Fillmore

Irving & 9th Avenue

Irving & 7th Avenue

Southwest corner of Haight & Clayton

Southeast corner of Haight & Masonic

Examiner

Northwest corner of Fillmore & Hayes

Southeast corner of Haight & Fillmore

SF Daily

Northwest corner of Hayes & Gough

City Star

Northwest corner of Hayes & Gough

Southeast corner of Fillmore & Haight

SF Weekly

Southeast corner of Masonic & Haight & Southeast corner of Haight & Fillmore

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans

In front of Ella Hill Hutch Community Center on McAllister near Webster

Northeast corner Clayton & Golden Gate

Northeast corner Masonic & Haight

Northeast corner Central &

In Memoriams

Marylouise Allen Lovett - Supervisor Dufty

Larry Lattimore - Supervisors Mar and Avalos

Xavier Gillette - Supervisor Mirkarimi

Dr. Gary Tobin - Supervisor Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:06 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on August 11, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

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Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯： 必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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July 21, 2009

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MEETING MINUTES
Tuesday, July 21, 2009
2:00 PM
City Hall, Legislative Chamber, Room 250
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of June 23, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090716 **[Recreation and Park-Parking]** **Mayor**

Ordinance amending Article 6 of the Park Code by adding Section 6.14 to authorize the San Francisco Municipal Transportation Agen to identify areas located on property under the jurisdiction of the Recreation and Park Commission that are suitable for paid parking, set rates for such parking; and to develop and implement a parking management plan for park property, and making environmental findings.

Enacted Number: 178-09

FINALLY PASSED

090837 **[Penalty for alcohol content testing in Driving Under the Influence cases]** **Mayor**

Ordinance amending Administrative Code by adding Section 8.14-1, to impose an additional $50 penalty for violation of certain Code sections to pay for alcohol testing by the Medical Examiner.

Enacted Number: 182-09

FINALLY PASSED

090735 **[Approving contract between the SFMTA and TJPA for Transbay Transit Center services]** **Supervisor Daly**

Resolution approving Contract No. CS -159 between the San Francisco Municipal Transportation Agency and the Transbay Joint Powers Authority for Transbay Transit Center program services.

(Fiscal Impact.)

Enacted Number: 297-09

ADOPTED

090765 **[80 Charter Oak Street Lease Amendment]**

Resolution authorizing a Lease Amendment to extend the term for five years for real property at 80 Charter Oak Street for the San Francisco Municipal Transportation Agency (Real Estate Department)

Enacted Number: 308-09

ADOPTED

090786 **[Lease of Real Property at 160 South Van Ness Avenue]**

Resolution authorizing the Director of Property to exercise an extension option for a 7-year term for the lease of real property located at 160 South Van Ness Avenue, San Francisco, for the Human Services Agency. (Real Estate Department)

(Fiscal Impact.)

Enacted Number: 305-09

ADOPTED

090861 **[Accept and Expend State Grant - Department of Public Works - $333,000]** **Mayor**

Resolution authorizing the Department of Public Works to accept and expend State Transportation Development Act (TDA) Article 3 funds totaling $333,000 for various pedestrian projects in the City and County of San Francisco in FY 2009-2010.

(Fiscal Impact.)

Enacted Number: 303-09

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

090661 **[Liquor License - 900 North Point, Suite D100]**

Resolution determining that the issuance of a Type 57 special on-sale general liquor license to Jane Echlin, for Cocoa Residential Owners Association Inc. dba Fairmont Heritage Place, Ghirardelli Square located at 900 North Point, Suite D100, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Enacted Number: 300-09

ADOPTED

Recommendations of the Rules Committee

090783 **[Settlement of Lawsuit - Jane Martin and David Baker - $190,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for $190,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 179-09

FINALLY PASSED

090811 **[Settlement of Lawsuit - Craig Yates and Richard Skaff - $312,000]**

Ordinance authorizing settlement of multiple lawsuits filed by Craig Yates and Richard Skaff against the City and County of San Francisco and San Francisco Uptown Parking Corporation for $312,000; further authorizing settlement of San Francisco's cross-claims against San Francisco Parking, Inc., d/b/a City Park for $150,000 to be paid to the City and County of San Francisco; the lawsuits entitled: (1) Craig Yates v. Union Square, et al., Case No. C07-4087-JSW, filed August 9, 2007, in the United States District Court, Northern District of

California; (2) Craig Yates v. Union Square, et al., Case No. CGC-08-473176, filed March 11, 2008, in San Francisco Superior Court; (3) Richard Skaff v. Union Square, et al., Case No. 08-CV-2555-JSW, filed May 20, 2008, in the United States District Court, Northern District of California; and (4) Richard Skaff v. Union Square, et al., Case No. CGC-08-475516, filed May 20, 2008, in San Francisco Superior Court. (City Attorney)

Enacted Number: 176-09

FINALLY PASSED

090845 **[Settlement of Lawsuit - Yao Tondo - $140,000]**

Ordinance authorizing settlement of the lawsuit filed by Yao Tondo as successor in interest to decedent Joe Tondo against the City and County of San Francisco for $140,000; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No. 463-946; entitled Yao Tondo as successor in interest to decedent Joe Tondo v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 180-09

FINALLY PASSED

090846 **[Settlement of Lawsuit - Mai Tai Investors L.P., et al. - $40,000]**

Ordinance authorizing settlement of the lawsuit filed by Mai Tai Investors L.P., et al. against the City and County of San Francisco for $40,000; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486061; entitled Mai Tai Investors L.P., et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 177-09

FINALLY PASSED

090847 **[Settlement of Lawsuit - Tony Nguyen, dba MicroLan - $100,000]**

Ordinance authorizing settlement of the lawsuit filed by Tony Nguyen, dba MicroLan, against the City and County of San Francisco for $100,000; the lawsuit was filed on December 10, 2007, in the San Francisco Superior Court, Case No. 469890; entitled Tony Nguyen dba MicroLan v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 181-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090778 **[Annual Salary Ordinance, FY 2009-2010]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2010 continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

See the full complement of amendments as referenced with File No. 090779.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

090779 **[Consolidated Budget and Annual Appropriation Ordinance, FY 2009-2010]**

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for FY ending June 30, 2010.

Supervisor Daly moved to divide the question relating to "Page 114, Department of Public Health, Line PHMCJC, Community Justice Center, in the amount of $396,717; and Page 129, Sheriff, Line PSSCPP, Community Justice Center, in the amount of $506,090."

The question relating to "Department ofPublic Health & Sheriff line items" was PASSED, as divided, by the following vote:

Ayes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Noes: 4 - Campos, Daly, Mar, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

Board of Supervisors Sitting as a Committee of the Whole

090585 **[Safe Streets and Road Repair General Obligation Bond Election - $368,000,000]** **Mayor, Supervisors Chiu, Dufty, Mar, Campos**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 3, 2009, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $368,000,000 to finance the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act, ("CEQA"); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

The President inquired as to whether any member of the public wished to address the Board members on the amended portion of the ordinance relating to local hiring. Fatima Holmes; Male Speaker; Male Speaker; Terry Anders; Jesse Mason; Female Speaker; Josh Suarez; Richard McRee; spoke in support of the amendment. There were no other speakers.

The President declared public comment closed on the amended portion of the ordinance relating to local hiring.

Continued to July 28, 2009.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FINAL PASSAGE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090608 **[Charter Amendment - Allowing the Board of Supervisors to designate certain appropriations as mandates to expend the money appropriated]** **Supervisor Daly**

Charter Amendment (Second Draft) to amend Sections 9.103 and 9.104 to allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, requiring the relevant City departments to report to the Board on their plans for expenditure of the money appropriated, and allowing the Mayor to reject or reduce an appropriation identified as mandatory, and to reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

(Supervisor Chu dissented in Committee.)

NOT ORDERED SUBMITTED by the following vote:

Ayes: 4 - Campos, Daly, Mar, Mirkarimi
Noes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell

090622 **[Charter Amendment - Instituting two-year budgetary cycle, providing for the adoption of a five-year financial plan and imposing a deadline of May 15th for submission of MOUs for** **Mayor, Supervisors Chiu, Mirkarimi, Avalos, Campos**

Charter Amendment (First Draft) to amend Sections 2.103, 2.108, 2.117, 3.105, 9.100, 9.101, 9.102, 9.103, 9.104, 9.113, 9.113.5, 9.114, 11.100, A8.409-4, A8.590-5, A8.590-8, 16.112, and Article XVII, and adding Sections 9.119, 9.120, and 9.121 to institute a "rolling" two-year budgetary cycle (the City would adopt a new two-year budget each year), allow the Board of Supervisors to convert the rolling two-year budgetary cycle for some or all departments into a "fixed" two-year cycle (each two-year budget would stay in effect for two years), impose a deadline of June 30th for the Board of Supervisors to approve or adopt new terms and conditions of employment for miscellaneous or safety employees if those terms and conditions are to be effective during the upcoming fiscal year, require that City departments, including the Board of Supervisors, post various notices on the departments' websites and eliminate the requirement that the departments publish such notices in the City's official newspaper, and allow the Controller to certify the availability of funds based on the expectation that funds will become available during the course of the budgetary cycle.

ORDERED SUBMITTED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Daly, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Supervisor Doly was noticed absent at 5:20 p.m.

090698 **[Planning Fee Procedures and Adjustments]** **Mayor**

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to increase fees to recover costs for monitoring conditions of approval, code violation abatement, and the General Advertising Sign Program; establish a fee for department facilitated pre-application meetings; modify refund procedures; modify the indigent fee waiver provision; clarify phased collections and payment deferment; establish a new processing fee for phased payments; and adopting Section 302 and environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

090737 **[Approval of Sustainable Crushing Ventures, LLC Lease]** **Supervisor Maxwell**

Resolution approving the Port Commission Lease No. L-14705 with Sustainable Crushing Ventures, LLC, for a five year term with a five year extension option for certain real property located at Pier 94, Seawall Lot 352 in the City and County of San Francisco.

Enacted Number: 304-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

090855 **[Assessment Ballots for City Parcels, for the proposed renewed and expanded Greater Union Square Business Improvement District]** **Supervisor Chiu**

Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco, as the owner of four parcels of real property that would be subject to assessment in the proposed renewed and expanded property and business improvement district to be named the Greater Union Square Business Improvement District.

Enacted Number: 296-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

090834 **[California Public Employees' Retirement System (CalPERS) Contract Amendment]** **Supervisor Elsbernd**

Resolution of intention to approve an amendment to contract between the Board of Administration, California Public Employees' Retirement System (CalPERS), and the Board of Supervisors, City and County of San Francisco.

(Fiscal Impact.)

Enacted Number: 307-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

090766 **[1975-1999 Bryant Street Lease Amendment]**

Resolution authorizing, retroactively, a Lease Amendment to extend the term for five years for real property at 1975-1999 Bryant Street for the San Francisco Municipal Transportation Agency. (Real Estate Department)

(Fiscal Impact.)

Enacted Number: 306-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

090787 **[Lease of Real Property at 100 Larkin Street]**

Resolution authorizing the lease of 683 square feet of space to the Nasra Family Partnership, in the Main Library located at 100 Larkin Street, San Francisco, on behalf of the San Francisco Public Library. (Real Estate Department)

Enacted Number: 301-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

From the Budget and Finance Committee Without Recommendation

090184 **[Declaring an emergency under California Constitution Article XIIIC, Section 2(b) authorizing submission to voters of ordinance imposing a local assessment on all vehicles in San Francisco]** **Supervisors Chiu, Dufty, Mirkarimi, Campos**

Resolution declaring an emergency under California Constitution Article XIIIC, Section 2(b) and authorizing submission of Ordinance that adopts and submits to the voters an ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that State law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if State law authorizes the City to impose it and directing its submission as a general tax measure for voter approval at the November 3, 2009, general municipal election.

Supervisor Campos requested to be added as a co-sponsor.

Continued to July 28, 2009.

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090136 **[Measure adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]** **Supervisors Chiu, Dufty, Mirkarimi, Campos**

Ordinance adopting and submitting to the voters the ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that state law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if state law authorizes the City to impose it and directing submission of the measure for voter approval at the November 3, 2009 general municipal election.

(Economic Impact)

Supervisor Campos requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Absent: 1 - Daly

090134 **[0.25% Sales Tax Increase for Health and Human Services and Public Protection]** **Supervisor Avalos**

Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide support for health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the November 3, 2009, election.

(Economic Impact)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide support for health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-quarter of one percent (0.25%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan, and directing submission of the tax for voter approval at the November 3, 2009, election.

(Economic Impact)

NOT PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Absent: 1 - Daly

Supervisor Avalos, seconded by Supervisor Mar, moved to rescind the previous vote. The motion to rescind the previous vote was passed by the vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

NOT PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Absent: 1 - Daly

Recommendation of the City Operations and Neighborhood Services Committee

Supervisor Daly was noticed present at 5:39 p.m.

090419 **[Increasing prize limit for charitable bingo games]** **Supervisors Dufty, Avalos, Campos, Elsbernd, Chu**

Ordinance amending Section 3201 of the San Francisco Police Code to increase the maximum allowable prize for any charitable bingo game from $250 to $500, and to make nonsubstantive changes clarifying the applicability of requirements regarding the use of bingo proceeds.

Supervisor Chu requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendation of the Land Use and Economic Development Committee

090809 **[Street Artist Spaces - 17th Street at Castro and Market Streets]** **Supervisors Dufty, Campos**

Resolution approving designation for six (6) months of eight (8) temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists; said spaces subject to Board of Supervisors review. (Arts Commission)

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 302-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi introduced, welcomed, and presented a Certificate of Honor to Reverend Billy Talen in recognition of his contributions to the City's arts community and for his work promoting economic justice and defending public space.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

James Chaffee; expressed concerns relating to the SF Public Library.

Male Speaker; expressed various religious concerns.

Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.

Richard McRee; expressed concerns relating to green housing.

Dr. O'Renshay; expressed concerns relating to health and patient confidentiality.

Kate Redland; Marie Harrison; spoke in opposition to SB 792.

Roxanne Harris; expressed concerns relating to deficit.

Walter Paulson; shared in song certain concerns with the Board.

Vicky; expressed concerns relating public comment.

Chris Sherman; expressed various concerns.

Ace Washington; expressed concerns relating to Western Addition Neighborhood.

Female Speaker; expressed concerns relating to department corruption.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Daly was noticed absent at 6:12 p.m.

090910 **[Accept and Expend Grant - Department of Public Health - $10,676]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Public Health Foundation Enterprises, Inc., in the amount of $10,676 to provide project management and collaboration services for the period of March 1, 2009, through August 31, 2009.

Enacted Number: 299-09
ADOPTED

090911 **[Accept and Expend Grant - Department of Public Health - $90,463]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Public Health Foundation Enterprises, Inc., in the amount of $90,463 to oversee and coordinate the research project for the period of April 10, 2009, through March 31, 2010.

Enacted Number: 298-09
ADOPTED

090857 **[Final Map - 1888 Geneva Avenue]**

Motion approving Final Map 3865, a 48 Unit Residential Condominium Project, located at 1888 Geneva Avenue being a subdivision of Lot 236 in Assessors Block No. 6423 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,238; District 11.)

Enacted Number: M09-128
APPROVED

090858 **[Final Map - 559, 567-569 Vallejo Street and 66 Fresno Street]**

Motion approving Final Map 5033, a Two Airspace Subdivision: Parcel "A" being a 5 Unit Residential Condominium Project and Parcel "B" being a One Lot Airspace, located at 559, 567-569 Vallejo Street and 66 Fresno Street, being a subdivision of Lot 047 in Assessors Block No. 0145 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,239; District 3.)

Enacted Number: M09-129
APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

Severed From the For Adoption Without Committee Reference Agenda

Supervisor Chu requested that this matter be severed so that it may be considered separately.

090890 **[Supporting Assembly Bill 155 (Mendoza), a bill to prevent unnecessary municipal bankruptcies]** **Supervisor Alioto-Pier**

Resolution supporting Assembly Bill 155 (Mendoza) to prevent unnecessary municipal bankruptcies in California

Enacted Number: 311-09

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Absent: 1 - Daly

Supervisor Mar requested that these matters be severed so that they may be considered separately.

090900 **[Final Map - Hunters Point Shipyard - Phase 1 Hilltop]**

Motion approving Final Map No. 4231, a 154-lot subdivision for condominium purposes, being a 901 unit residential and 2 unit commercial condominium project within the Hunters Point Shipyard Redevelopment Plan; approving a Public Improvement Agreement and certain offers of dedication related to the Final Map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Hunters Point Shipyard Redevelopment Plan and Plan Documents. (Public Works Department)

(DPW Order 178,237; District 10.)

Enacted Number: M09-131

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 3 - Avalos, Mar, Mirkarimi
Absent: 1 - Daly

090901 **[Final Map - Hunters Point Shipyard - Phase 1 Hillside]**

Motion approving Final Map No. 5255, a 131-lot subdivision for condominium purposes, being a 397 unit residential condominium project within the Hunters Point Shipyard Redevelopment Plan; approving a Public Improvement Agreement and certain offers of dedication related to the Final Map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Hunters Point Shipyard Redevelopment Plan and Plan Documents. (Public Works Department)

(DPW Order 178,238; District 10.)

Enacted Number: M09-130

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 3 - Avalos, Mar, Mirkarimi
Absent: 1 - Daly

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

Ordinances

090931 **[Rental Subsidy Program for Low-Income Families]** **Supervisors Avalos, Campos, Mar**

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

7/21/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/20/2009.

090933 **[Unpermitted Subsidewalk Encroachment into Public Right-of-Way]** **Supervisors Chiu, Elsbernd**

Ordinance amending Article 15 of the San Francisco Public Works Code by adding Section 723.3, establishing that an unpermitted subsidewalk encroachment into the public right-of-way along the Central Subway Corridor constitutes a public nuisance.

7/21/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090934 **[Public Works Code - Appellate body for minor sidewalk encroachments]** **Supervisors Chiu, Elsbernd**

Ordinance amending Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits for subsidewalk encroachments from the Board of Appeals to the Board of Supervisors.

7/21/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090938 **[San Francisco Special Tax Financing Law]** **Supervisor Mar**

Ordinance to amend the San Francisco Administrative Code Special Tax Financing Law, constituting Article 43.10, to authorize water conservation and water pollution control equipment and improvements as facilities eligible for funding through the formation of special tax districts, the imposition of special taxes, and the issuance of bonds secured by special tax funds and related technical amendments.

7/21/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 8/20/2009.

090554 **[Building Code - Registration of Vacant/Abandoned Buildings; Maintenance and Security Requirements; Annual Fee and Penalties for Violation]** **Supervisors Chiu, Dufty**

Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building secured and in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings.

5/5/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/4/2009. 6/30/09 - Submitted ad for publication on July 2 and July 9, 2009.

5/12/09, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; and Planning Commission and Building Inspection Commission for public hearing and recommendation.

5/13/09, REFERRED TO DEPARTMENT. Referred to Planning Department for fee review.

5/26/09, RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060(c)(2).

6/1/09, RESPONSE RECEIVED. Planning Commission Resolution No. 17895 recommending approval with modifications; Historic Preservation Commission Resolution No. 635 recommending approval with modifications.

6/15/09, RESPONSE RECEIVED. Building Inspection Commission recommended non-support.

7/21/09, SUBSTITUTED. Supervisor Chiu submitted a substitute ordinance bearing the same title.

7/21/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions

090930 **[Renew Joint Powers Agreement with State and Accept and Expend up to $2,249,136]** **Supervisor Avalos**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively contract for, accept and expend up to $2,249,136 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement for the period of July 1, 2009, through June 30, 2012.

7/21/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090932 **[Accept and Expend Grant - HIV Testing and Counseling in STD Clinics - $122,160]** **Supervisor Campos**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the University of Miami in the amount of $122,160 to perform a randomized clinical trial comparing the relative efficacy and cost-effectiveness of two HIV testing strategies; for the period of September 30, 2009, through September 29, 2011.

7/21/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090935 **[Resolution to establish the Greater Union Square Business Improvement District]** **Supervisor Chiu**

Resolution establishing a property-based business improvement district to be known as the "Greater Union Square Business Improvement District (BID)," by renewing and expanding the previously established Union Square BID; approving the amended management district plan and engineer's report and boundaries map; ordering the levy and collection of assessments against property located in the Greater Union Square BID for ten years, commencing with FY 2009-2010, subject to conditions as specified; and making environmental findings.

7/21/09, ASSIGNED to Board of Supervisors. Scheduled for July 28, 2009.

090936 **[Opposing State Senate Bill 792 Tidelines and submerged land: Candlestick Point]** **Supervisors Daly, Avalos**

Resolution urging California State Legislators to oppose State Senate Bill 792 Tidelines and submerged land: Candlestick Point which would allow the sale of 42 acres of state parkland including parts of the Candlestick Point State Park for private development.

7/21/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090937 **[Accept and Expend Federal Grant - Airport Commission - $700,500]** **Supervisor Elsbernd**

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $700,500 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

7/21/09, RECEIVED AND ASSIGNED to Public Safety Committee.

090939 **[Adoption of Local Goals and Policies for Mello-Roos Community Facilities Districts]** **Supervisor Mar**

Resolution adopting local goals and policies for Mello-Roos Community Facilities Districts.

7/21/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090940 **[Jewish Home of San Francisco Psychiatric Facilities - Designation Agreement]** **Mayor, Supervisors Dufty, Mirkarimi**

Resolution designating Jewish Home of San Francisco as an Evaluation and Treatment Facility for individuals 75 years and older, and authorizing the Director for Community Behaviorial Health Services to enter into a Designation Agreement with said facility.

7/21/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090943 **[Accept and Expend State Grant - Chief of Police - $25,000]** **Supervisor Alioto-Pier**

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $25,000 from the California Department of Fish and Game for the purchase of oil spill response equipment.

7/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090944 **[Renew Revolving Fund Agreement with State - $75,000]** **Supervisors Avalos, Campos**

Resolution authorizing the Office of the District Attorney of the City and County of San Francisco to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving fund in the amount of $75,000 to be used to pay for verified funeral/burial expenses for eligible homicide victims and emergency relocation for victims of domestic violence and sexual assault for an additional two years from July 1, 2009, through June 30, 2011.

7/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090945 **[Accept and Expend State Grant - Office of the District Attorney up to $88,538]** **Supervisors Avalos, Campos**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively contract for accept and expend up to $88,538 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2009, through June 30, 2010.

7/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090946 **[Accept and Expend Grant - Department of Public Health - $22,566]** **Supervisor Campos**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the World Health Organization in the amount of $22,566 to revise the document "Guide for HIV surveillance in low-level and concentrated epidemics;" for the period of June 15, 2009, through September 15, 2009.

7/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090947 **[Avoiding new foreign fossil fuel dependence in San Francisco's electricity supply]** **Supervisors Daly, Avalos, Campos, Mirkarimi, Mar**

Resolution asking Pacific Gas & Electric Corporation to end partnership in the "Pacific Connnector" pipeline

7/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090948 **[Accept and Expend Regional Grant - Department of the Environment - $10,000]** **Supervisors Mar, Campos**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $10,000 from Altamont Education Advisory Board to expand recycling and lunchroom composting programs at schools in San Francisco.

7/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090949 **[Accept and Expend Regional Grant - Department of the Environment - $15,000]** **Supervisors Mar, Campos**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $15,000 from the San Francisco Foundation to implement the San Francisco Urban Gleaning Project.

7/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

090950 **[Calling File Nos. 090868 and 090867 from Committee to the full Board of Supervisors, and calling for the Board to sit as a Committee of the Whole on August 4, 2009]** **Supervisor Chiu**

Motion calling from the Land Use & Economic Development Committee, File Nos 090868 [Bicycle Plan adoption and related General Plan amendments] and 090867 [Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]; and calling for the Board to hear these items as a Committee of the Whole on August 4, 2009.

7/21/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Hearings

090870 **[Hearing - Greater Union Square Business Improvement District]**

Hearing scheduled for July 28, 2009, at 3:00 p.m., to hear persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Greater Union Square Business Improvement District (BID)," by renewing and expanding the previously established Union Square BID; approving the amended management district plan and engineer's report and boundaries map; ordering the levy and collection of assessments against property located in the Greater Union Square BID for ten years, commencing with FY 2009-2010, subject to conditions as specified; and making environmental findings. (Clerk of the Board)

7/3/09, SCHEDULED FOR PUBLIC HEARING. Scheduled for July 28, 2009 at 3:00 p.m.

090926 **[California Healthy Families Program]** **Supervisor Alioto-Pier**

Hearing to discuss the State's budget cuts to the California Healthy Families Program, evaluate the City's commitment to universal healthcare for children and youth, and identify solutions that guarantee every child access to health insurance.

7/21/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090927 **[San Francisco Municipal Transportation Agency safety procedures]** **Supervisor Dufty**

Hearing on the safety procedures of the San Francisco Municipal Transportation Agency in light of the serious accident that occurred at the West Portal Station on Saturday, July 18, 2009. MUNI will be asked to detail its safety strategies and procedures that are currently in place to prevent such crashes from occurring again, and what safety assessments and enhancement procedures MUNI is considering to ensure the future safety of MUNI riders and pedestrians in the City and County of San Francisco.

7/21/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090928 **[San Francisco Municipal Transportation Agency safety standards]** **Supervisor Elsbernd**

Hearing addressing San Francisco Municipal Transportation Agency safety standards, including medical screening procedures for SFMTA bus and light rail operators. Request additional information about the rules concerning switching light rail vehicles between automatic and manual operation, including any communication from the Transit Workers Union to SFMTA related to this subject.

7/21/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090929 **[Port of San Francisco's Request for Proposals for a Concrete Batching or Asphalt Production Lease at Seawall Lot 352, Pier 94]** **Supervisor Elsbernd**

Hearing to consider the Port of San Francisco's Request for Proposals for a Concrete Batching or Asphalt Production Lease at Seawall Lot 352, Pier 94 and the Department of Public Works' findings regarding the Municipal Asphalt Plant located at 1801 Jerrold Street.

7/21/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED ORDINANCES

090895 **[Settlement of Lawsuit - Linda Caratti - $80,000]**

Ordinance authorizing settlement of the lawsuit filed by Linda Caratti against the City and County of San Francisco for $80,000; the lawsuit was filed on August 28, 2008, in San Francisco Superior Court, Case No. 479214; entitled Linda Caratti v. City and County of San Francisco, et al.; other material terms of said settlement are that the City and San Francisco Zoological Society agree to a mutual release of claims for indemnification. (City Attorney)

7/7/09, RECEIVED AND ASSIGNED to Rules Committee.

090896 **[Settlement of Lawsuit - John Williams - $27,000]**

Ordinance authorizing settlement of the lawsuit filed by John Williams against the City and County of San Francisco for $27,000; the lawsuit was filed on September 5, 2008, in San Francisco Superior Court, Case No. 479-512; entitled John Williams v. City and County of San Francisco, et al. (City Attorney)

7/7/09, RECEIVED AND ASSIGNED to Rules Committee.

090897 **[Settlement of Lawsuit - Benson Chen - $75,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Benson Chen against the City and County of San Francisco for $75,000; the lawsuit was filed on November 2, 2007, in San Francisco Superior Court, Case No. 468791; entitled Benson Chen v. City and County of San Francisco, et al. (City Attorney)

7/7/09, RECEIVED AND ASSIGNED to Rules Committee.

090898 **[Settlement of Lawsuit - Yue Kong Kam - $102,327.06]**

Ordinance authorizing settlement of the lawsuit filed by Yue Kong Kam against the City and County of San Francisco for $102,327.06; the lawsuit was filed on June 19, 2008, in San Francisco Superior Court, Case No. 476-544; entitled Yue Kong Kam, et al. v. City and County of San Francisco, et al. (City Attorney)

7/9/09, RECEIVED AND ASSIGNED to Rules Committee.

090899 **[Settlement of Lawsuits - United States of America - $7,000,000]**

Ordinance authorizing settlement of the two lawsuits filed by the United States of America against the City and County of San Francisco for $7,000,000; the two lawsuits were filed on August 22, 2005, and September 6, 2007, in the United States District Court for the Eastern District of California, Case No. 2:05 CV 01693 entitled United States of America v. City and County of San Francisco, et al. and Case No. 1:07 CV 01300 entitled United States of America v. City and County of San Francisco, et al. and appropriating $7,000,000 of fund balance from the Hetch Hetchy Fund for this purpose. (City Attorney)

7/13/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

090823 **[Authorization for continued membership in 18 County CalWIN Consortium]**

Resolution amending Resolution No. 1094-99 passed on December 6, 1999, to continue authority for the Department of Human Services to continue its membership in the 18 County CalWIN Consortium and authorizing the Director of the Human Services Agency to execute the necessary agreements for participation in the consortium's continued development, implementation, maintenance and operation of a computer system for the administration of public benefit programs in accordance with State requirements. This resolution will expand the expenditure authority from $29,419,538 for an additional amount of $13,110,600 from July 1, 2010, through July 31, 2013. The total project budget including this extension is $42,530,138. Please note: State and Federal reimbursement is at 92% of $42,530,138. County general fund portion is $3,402,241 from 1999 through 2013. The County general fund portion for the extension period is $1,048,848. (Human Services Department)

(Fiscal Impact.)

6/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

7/10/09, SUBSTITUTED. Department of Human Services submitted a substitute resolution bearing new title.

7/10/09, ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Dufty

To: Controller

Requesting/Inquiring: Requesting the Controller to prepare a supplemental appropriation to restore reductions to various Grants for the Arts funded organizations.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following location: On Webster near Geary, east side of street.

From: Supervisor Mirkarimi

To: Director: Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Can

Northwest corner Fillmore and Haight

Mailboxes

Southeast corner Hayes and Buchanan

Southwest corner Pine and Divisadero

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore and Post

Southwest corner Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 9th Avenue

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough

Southeast corner of Fillmore and Haight

SF

In Memoriams

Bok Pon - Supervisor Chu

David Michael Ibarguen - Supervisor Dufty

Dolores Jean Robinson Toussaint - Supervisor Maxwell

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:24 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on August 18, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

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翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Meeting Minutes - Final

Tuesday, July 28, 2009 - 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

NOV 19 2009

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DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisor Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Maufas, Mendoza, Kim	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll, all Supervisors were noted present.

0 - Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

APPROVAL OF MEETING MINUTES

A motion was made by Supervisor Mar, seconded by Supervisor Campos, to approve the Board Meeting Minutes of June 30, 2009. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090698 **[Planning Fee Procedures and Adjustments]**

Sponsor(s): Mayor

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to increase fees to recover costs for monitoring conditions of approval, code violation abatement, and the General Advertising Sign Program; establish a fee for department facilitated pre-application meetings; modify refund procedures; modify the indigent fee waiver provision; clarify phased collections and payment deferment; establish a new processing fee for phased payments; and adopting Section 302 and environmental findings.

This Matter was FINALLY PASSED on the Consent Agenda.

090757 **[Nineteenth Amendment to the Treasure Island Event Venues Master Lease]**

Resolution retroactively approving the Nineteenth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090758 **[Twentieth Amendment to the Treasure Island Event Venues Master Lease]**

Resolution retroactively approving the Twentieth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to add the unimproved lot surrounding Building 449 to the Leased Premises. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090759 [Thirtieth Amendment to the Treasure Island Land and Structures Master Lease]

Resolution retroactively approving the Thirtieth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090760 [Thirty-First Amendment to the Treasure Island Land and Structures Master Lease]

Resolution retroactively approving the Thirty-First Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Building 202 to the Leased Premises. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090761 [Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease]

Resolution retroactively approving the Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Redevelopment Authority and the U.S. Navy to add Buildings 29, 157, 215, 225, 261A, 264, 292, 401, and the lot surrounding Building 450 in the Leased Premises. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090762 [Twelfth Amendment to the Treasure Island Marina Master Lease]

Resolution retroactively approving the Twelfth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090763 [Twenty-Third Amendment to the Treasure Island South Waterfront Master Lease]

Resolution retroactively approving the Twenty-Third Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090764 [Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease]

Resolution retroactively approving the Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Buildings 355, 385, 454, 501, and the portion of Avenue I between 3rd Street and California Avenue to the Leased Premises. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090785 [Lease of Real Property at 649-651 Bryant Street]

Resolution authorizing the lease of property, with a first right of refusal to purchase, comprising approximately 14,000 square feet of improvements upon a lot area of approximately 19,000 square feet, located at 649-651 Bryant Street (Assessor's Block No. 3777, Lot No. 050), San Francisco, for the San Francisco Public Utilities Commission. (Real Estate Department)
(Fiscal Impact.)

This Matter was ADOPTED on the Consent Agenda.

090830 [Airport Concession Lease]

Resolution approving the Terminal 1 Boarding Area "C" Retail Lease between Hudson News Company and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
(Fiscal Impact.)

This Matter was ADOPTED on the Consent Agenda.

090836 [Lease of concession properties within the Japanese Tea Garden in Golden Gate Park]

Sponsor(s): Mirkarimi, Mar and Dufty

Resolution authorizing and approving the execution, delivery and performance of a Lease for the management and operation of the concessions associated with the Japanese Tea Garden in Golden Gate Park.
This Matter was ADOPTED on the Consent Agenda.

090856 [Approval of Amendment to the Owner Controlled Insurance Program for the Laguna Honda Hospital Replacement Program - $15,279,662]

Sponsor(s): Elsbernd

Resolution authorizing the Director of Public Works to execute an amendment to the Owner Controlled Insurance Program (OCIP) for the Laguna Honda Hospital Replacement Program from $9,915,928 to $15,279,662.
(Fiscal Impact.)

This Matter was ADOPTED on the Consent Agenda.

090862 [Accept and Expend Federal Grant - Department of Public Works - $13,540,000]

Sponsor(s): Mayor

Resolution authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend federal grant funds totaling $13,540,000.
This Matter was ADOPTED on the Consent Agenda.

090884 [Dissolution of San Francisco Airport Improvement Corporation]

Resolution approving the dissolution of the San Francisco Airport Improvement Corporation, the appointment of directors, and related matters. (Airport Commission)
This Matter was ADOPTED on the Consent Agenda.

A motion was made to PASS THE CONSENT AGENDA, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090778 [Annual Salary Ordinance, FY 2009-2010]

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

See the full complement of amendments as referenced with File No. 090779.

A motion was made that this matter be FINALLY PASSED. The motion carried by the following vote:

Aye: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell and Mirkarimi
No: 2 - Chu and Elsbernd

090779 [Consolidated Budget and Annual Appropriation Ordinance, FY 2009-2010]

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for FY ending June 30, 2010.

Supervisor Daly moved to divide the question relating to "Page 114, Department of Public Health, Line PHMCJC, Community Justice Center, in the amount of $396,717; and Page 129, Sheriff, Line PSSCPP, Community Justice Center, in the amount of $506,090."
The question relating to "Department of Public Health & Sheriff line items" was PASSED, as divided, by the following vote:
Ayes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Campos, Daly, Mar, Mirkarimi

A motion was made that this matter be FINALLY PASSED. The motion carried by the following vote:

Aye: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell and Mirkarimi
No: 2 - Chu and Elsbernd

From the Budget and Finance Committee Without Recommendation

090184 **[Declaring an emergency under California Constitution Article XIIIC, Section 2(b) authorizing submission to voters of ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]**

Sponsor(s): Chiu, Dufty, Mirkarimi and Campos

Resolution declaring an emergency under California Constitution Article XIIIC, Section 2(b) and authorizing submission of Ordinance that adopts and submits to the voters an ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways ir the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that State law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if State law authorizes the City to impose it and directing its submission as a general tax measure for voter approval at the November 3, 2009, general municipal election.

A motion was made by Supervisor Chiu, seconded by Supervisor Elsbernd, that this matter be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

090136 **[Measure adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]**

Sponsor(s): Chiu, Dufty, Mirkarimi and Campos

Ordinance adopting and submitting to the voters the ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that state law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if state law authorizes the City to impose it and directing submission of the measure for voter approval at the November 3, 2009 general municipal election.
(Economic Impact)

A motion was made by Supervisor Chiu, seconded by Supervisor Elsbernd, that this matter be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

090419 [Increasing prize limit for charitable bingo games]

Sponsor(s): Dufty, Avalos, Campos, Elsbernd and Chu

Ordinance amending Section 3201 of the San Francisco Police Code to increase the maximum allowable prize for any charitable bingo game from $250 to $500, and to make nonsubstantive changes clarifying the applicability of requirements regarding the use of bingo proceeds.

A motion was made that this matter be FINALLY PASSED. The motion carried by the following vote:

Aye: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

No: 1 - Daly

From the Board

page break

090585 [Safe Streets and Road Repair General Obligation Bond Election - $368,000,000]

Sponsor(s): Mayor, Chiu, Dufty, Mar and Campos

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 3, 2009, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $368,000,000 to finance the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act, ("CEQA"); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.
(Fiscal Impact.)

A motion was made by Supervisor Chiu, seconded by Supervisor Maxwell, that this matter be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

NEW BUSINESS

page break

Recommendations of the Budget and Finance Committee

090631 **[Recreation and Park Department - Renaming Candlestick Park]**

Sponsor(s): Dufty and Elsbernd

Motion ordering submitted to the voters an ordinance amending San Francisco Administrative Code Section 4.25 to allow the Recreation and Park Department to enter into an agreement for the naming of City-owned sports stadium located at Candlestick Point, and to use fifty percent of the revenue from the agreement to fund recreation center directors at an election to be held on November 3, 2009.
(Fiscal Impact.)

A motion was made that this matter be APPROVED. The motion carried by the following vote:

Aye: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell and Mirkarimi
No: 3 - Avalos, Daly and Mar

090637 **[Professional services agreement to provide professional engineering services for SFPUC Calaveras Dam Project]**

Sponsor(s): Elsbernd

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by $9,689,663, for a total revised agreement amount of $24,000,000, and extend the agreement term by seven years for a total revised agreement term of thirteen years, pursuant to San Francisco Charter Section 9.118.
(Fiscal Impact.)

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

090820 **[Public Employment and Accept-Expend Federal Grant - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Human Services Agency - $26,505,777]**

Sponsor(s): Mayor

Ordinance amending the FY 2009-2010 Annual Salary Ordinance (Companion File No. 090778) to reflect the addition of temporary and permanent salaries of $7,737,578 and authorizing the Human Services Agency to accept and expend a grant in the amount of $26,505,777 from the United States Department of Health and Human Services, TANF Emergency Contingency Fund, as part of the American Recovery and Reinvestment Act of 2009, to sponsor the Mayor's Jobs NOW Program.
(Fiscal Impact.)

A motion was made that this matter be PASSED ON FIRST READING. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

090848 [Emergency contract to repair the Fireboat at Pier 22 1/2]

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to repair Fireboat Pier 22 1/2. (Public Works Department)
(Fiscal Impact.)

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

090886 [Water Revenue Bond Issuance - $1,310,307,119]

Sponsor(s): Avalos

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

A motion was made that this matter be PASSED ON FIRST READING. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

090887 [Water Revenue Bonds Issuance - not to exceed $1,120,185,000]

Sponsor(s): Avalos

Resolution approving the issuance of not to exceed $1,120,185,000 aggregate principal amount of San Francisco water revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith, and related matters.
(Fiscal Impact.)

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

090823 [Authorization for continued membership in 18 County CalWIN Consortium]

Resolution amending Resolution No. 1094-99 passed on December 6, 1999, to continue authority for the Department of Human Services to continue its membership in the 18 County CalWIN Consortium and authorizing the Director of the Human Services Agency to execute the necessary agreements for participation in the consortium's continued development, implementation, maintenance and operation of a computer system for the administration of public benefit programs in accordance with State requirements. This resolution will expand the expenditure authority from $29,419,538 for an additional amount of $13,110,600 from July 1, 2010, through July 31, 2013. The total project budget including this extension is $42,530,138. Please note: State and Federal reimbursement is at 92% of $42,530,138. County general fund portion is $3,402,241 from 1999 through 2013. The County general fund portion for the extension period is $1,048,848. (Human Services Department)
(Fiscal Impact.)

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090829 [Trinity Plaza Development Agreement Amendment; Property at 1167 Market Street, 670-693 Stevenson Street, and 1164 Mission Street]

Ordinance amending a development agreement between the City and County of San Francisco and 1169 Market Street, L.P. for certain real property located at 1167 Market Street (Assessor's Block 3702/Lot 053), 670 Stevenson Street (Assessor's Block 3702/Lot 051), 693 Stevenson Street (Assessor's Block 3702/Lot 052), 1164 Mission Street (Assessor's Block 3702/Lot 039), and a portion of former Jessie Street between 7th and 8th Streets, altogether consisting of approximately 177,295 square feet (4.07 acres) and commonly known as Trinity Plaza, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), to add 5 years to the term, to permit the construction of the entirety of a parking garage, to amend the definition of Existing Tenants, to identify the BMR Units for Building A, to modify the location and selection process for the Replacement Units, and to permit a Project-wide art component for the Project; and adopting environmental, General Plan and Planning Code Section 101.1(b) findings. (Planning Department)

A motion was made that this matter be PASSED ON FIRST READING. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

090799 [UCSF Medical Center Mission Bay Helipad Project]

Sponsor(s): Maxwell and Dufty

Resolution approving the proposed helipad at the UCSF Medical Center at Mission Bay under California Public Utilities Code Section 21661.5 and adopting environmental findings under the California Environmental Quality Act, including a mitigation monitoring and reporting program and a statement of overriding considerations.

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

SPECIAL ORDER 3:00 P.M.

090870 [Hearing - Greater Union Square Business Improvement District]

Hearing scheduled for July 28, 2009, at 3:00 p.m., to hear persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Greater Union Square Business Improvement District (BID)," by renewing and expanding the previously established Union Square BID; approving the amended management district plan and engineer's report and boundaries map; ordering the levy and collection of assessments against property located in the Greater Union Square BID for ten years, commencing with FY 2009-2010, subject to conditions as specified; and making environmental findings. (Clerk of the Board)
The President inquired as to whether any member of the public wished to address the Board. Karen Flood Eklund; Russell Keil; Louis Meunier; Heather Almond; Lisa Kershner; Anson Lee; Spencer Sechler; Daphne Handelin; Man J. Kim; Stephen Brett; J. Timothy Falvey; Connie Hartgraves; Diana Holland-Cramer; Don Thomas; Carolyn Diamond; Rob Black; Leigh Ann Baughman; Laurie Armstrong; Jenny Benton;Walter Paulson; Deb Niemann; Linda Lucero; Elaine Zamora; Linda Mjellem; Ken Cleveland; Wes Tyler; David Nadelman; Tajiri Weinsberry; and Sam Sahid; spoke in support of the Greater Union Square Business Improvement District. John Handlery; spoke in opposition to the Greater Union Square Business Improvement District. Mr. Wright; spoke expressing various comments relating to the Tenderloin. There were no other speakers. The President declared the public hearing closed.

The Clerk of the Board informed the Department of Elections that the public hearing was closed. Tabulation of the ballots cast during the public hearing began by the Department of Elections. The Clerk of the Board informed the President that the Department of Elections had finished processing the ballots submitted. The Clerk of the Board informed the President of the following tabulations:

Returned weighted ballots voting for the Greater Union Square Business Improvement District - 63.22%

Returned weighted ballots voting against the Greater Union Square Business Improvement District - 36.78%

The President declared there was no majority protest.

090935 [Resolution to establish the Greater Union Square Business Improvement District]

Sponsor(s): Chiu

Resolution establishing a property-based business improvement district to be known as the "Greater Union Square Business Improvement District (BID)," by renewing and expanding the previously established Union Square BID; approving the amended management district plan and engineer's report and boundaries map; ordering the levy and collection of assessments against property located in the Greater Union Square BID for ten years, commencing with FY 2009-2010, subject to conditions as specified; and making environmental findings.

A motion was made by Supervisor Maxwell, seconded by Supervisor Dufty, that this matter be ADOPTED. The motion carried by the following vote:

Aye: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

No: 1 - Daly

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

A motion was made by Supervisor Alioto-Pier, seconded by Supervisor Dufty, to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Alberto and Lili Mier in recognition of their accomplishments with La Canasa Restaurant.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Cheryl and Sarah Perliss in recognition of their accomplishments with Mudpie Clothing Company.

COMMITTEE REPORT

090819 [Management Agreement with Owners' Association for administration/management of San Francisco Tourism Improvement District]

Sponsor(s): Chiu

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the business-based business improvement district known as the "San Francisco Tourism Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns translated in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed concerns relating to federal health program and economics.
Richard McRee; expressed concerns relating to inventions and patents.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various religious concerns.
John DiDonna; shared in poem certain concerns relating to faith.
Male Speaker; expressed various concerns.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090950 [Calling File Nos. 090868 and 090867 from Committee to the full Board of Supervisors, and calling for the Board to sit as a Committee of the Whole on August 4, 2009]

Sponsor(s): Chiu

Motion calling from the Land Use & Economic Development Committee, File Nos. 090868 [Bicycle Plan adoption and related General Plan amendments] and 090867 [Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]; and calling for the Board to hear these items as a Committee o the Whole on August 4, 2009.

This Matter was APPROVED on the Consent Agenda.

090943 [Accept and Expend State Grant - Chief of Police - $25,000]

Sponsor(s): Alioto-Pier

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $25,000 from the California Department of Fish and Game for the purchase of oil spill response equipment.

This Matter was ADOPTED on the Consent Agenda.

090944 [Renew Revolving Fund Agreement with State - $75,000]

Sponsor(s): Avalos and Campos

Resolution authorizing the Office of the District Attorney of the City and County of San Francisco to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving fund in the amount of $75,000 to be used to pay for verified funeral/burial expenses for eligible homicide victims and emergency relocation for victims of domestic violence and sexual assault for an additional two years from July 1, 2009, through June 30, 2011.

Supervisor Campos requested to be added as a co-sponsor.

This Matter was ADOPTED on the Consent Agenda.

090945 [Accept and Expend State Grant - Office of the District Attorney up to $88,538]

Sponsor(s): Avalos and Campos

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively contract for, accept and expend up to $88,538 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2009, through June 30, 2010.

Supervisor Campos requested to be added as a co-sponsor.

This Matter was ADOPTED on the Consent Agenda.

090946 [Accept and Expend Grant - Department of Public Health - $22,566]

Sponsor(s): Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the World Health Organization in the amount of $22,566 to revise the document "Guide for HIV surveillance in low-level and concentrated epidemics;" for the period of June 15, 2009, through September 15, 2009.

This Matter was ADOPTED on the Consent Agenda.

090947 [Avoiding new foreign fossil fuel dependence in San Francisco's electricity supply]

Sponsor(s): Daly, Avalos, Campos, Mirkarimi and Mar

Resolution asking Pacific Gas & Electric Corporation to end partnership in the "Pacific Connnector" pipeline.

Supervisors Avalos and Campos requested to be added as co-sponsors.

This Matter was ADOPTED on the Consent Agenda.

090948 [Accept and Expend Regional Grant - Department of the Environment - $10,000]

Sponsor(s): Mar and Campos

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $10,000 from Altamont Education Advisory Board to expand recycling and lunchroom composting programs at schools in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

This Matter was ADOPTED on the Consent Agenda.

090949 [Accept and Expend Regional Grant - Department of the Environment - $15,000]

Sponsor(s): Mar and Campos

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $15,000 from the San Francisco Foundation to implement the San Francisco Urban Gleaning Project.

Supervisor Campos requested to be added as a co-sponsor.

This Matter was ADOPTED on the Consent Agenda.

A motion was made to PASS THE CONSENT AGENDA, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

page break

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Dufty requested that this matter be severed so that it may be considered separately.

090902 **[Final Map - 2242-2256 15th Street]**

Motion approving Final Map 4773, a merger and resubdivision, Parcel "B" being a 6 Unit residential condominium project, located at 2242–2256 15th Street being a subdivision of Lots 103 and 104 in Assessors Block No. 3540 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
(DPW Order 178,244; District 8.)

A motion was made by Supervisor Dufty, seconded by Supervisor Maxwell, that this matter be TABLED. The motion carried by the following vote:

Aye: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

Ordinances

090960 **[Honoring small local businesses during Small Business Month]**

Sponsor(s): Alioto-Pier

Ordinance amending the San Francisco Administrative Code by requiring the Small Business Commission to declare one month out of the year "Small Business Month" and to recognize small local businesses during the Small Business Month.

07/28/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

090961 **[De-appropriating $510,006 of General Fund restorations to the Department of Children, Youth and Their Families to restore reductions to Grants for the Arts in the General Services Agency, City Administrator for FY 2009-2010]**

Sponsor(s): Dufty

Ordinance de-appropriating $510,006 of General Fund restorations to the Department of Children, Youth and Their Families to restore reductions to Grants for the Arts funding in the General Services Agency, City Administrator for FY 2009-2010.
(Fiscal Impact.)

07/28/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

090962 [Zoning - Amending the Citywide definition of Tobacco Paraphernalia Establishments by lowering the threshold for retail stores to be considered Tobacco Paraphernalia Establishments]

Sponsor(s): Chiu

Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

07/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

090964 [Appropriating $194,279,046 to fund construction of the Public Utilities Commission's Headquarters Building at 525 Golden Gate Avenue for FY 2009-2010, and adopting environmental findings]

Sponsor(s): Mayor and Dufty

Ordinance appropriating $194,279,046, including $167,670,000 in Certificates of Participation and $26,609,046 in Hetch Hetchy unappropriated fund balance to fund construction of the new Public Utilities Commission headquarters building at 525 Golden Gate Avenue for the Public Utilities Commission in Fiscal Year 2009-2010 and placing $167,670,000 on Controller's reserve pending the sale of Certificates of Participation, and adopting environmental findings.
(Fiscal Impact.)

07/28/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

090963 [Interim Zoning Controls requiring conditional use authorization for Tobacco Paraphernalia Establishments, as defined, in the Polk Street Neighborhood Commercial District]

Sponsor(s): Chiu

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for Tobacco Paraphernalia Establishments, as defined, and subject to specified exceptions, in the Polk Street Neighborhood Commercial District, for a one year period, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

07/28/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090965 [Certificates of Participation for 525 Golden Gate Avenue]

Sponsor(s): Mayor and Dufty

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the issuance of City and County of San Francisco Certificates of Participation and authorizing the preparation, execution and delivery of a final official statement; delegating to the Director of Public Finance the authority to sell the certificates by either a competitive or negotiated sale authorizing the reimbursement of prior expenditures; ratifying the approvals and terms and conditions of a previous resolution; and related matters.

07/28/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

090966 [Opposing BART surcharge]

Sponsor(s): Chiu, Dufty, Campos, Mirkarimi, Maxwell, Avalos and Mar

Resolution opposing BART surcharge on SFO employees.

090967 [Approving the plan to allow a gated $10 admission charge to the Lovevolution Festival in Civic Center Plaza, pending the approval of the Interdepartmental Staff Committee on Traffic and Transportation]

Sponsor(s): Mirkarimi

Resolution approving the plan to allow a gated $10 admission charge to the Lovevolution Festival in Civic Center Plaza, which is scheduled to take place on Saturday, October 3, 2009, pending the approval of the Interdepartmental Staff Committee on Traffic and Transportation.

090968 [Supporting President Obama's principles for national health care reform]

Sponsor(s): Mayor, Chiu, Mar, Maxwell, Dufty, Mirkarimi and Alioto-Pier

Resolution supporting President Obama's principles for national health care reform.

090969 [Lease purchase financing for the acquisition of replacement emergency back-up electric generators for San Francisco General Hospital not to exceed $25,000,000]

Sponsor(s): Mayor

Resolution authorizing the Executive Administrator of the San Francisco General Hospital to obtain lease purchase financing in an amount not to exceed $25,000,000 for the acquisition of replacement emergency back-up electric generators for San Francisco General Hospital; approving the form of a lease purchase financing agreement between San Francisco General Hospital and a lender named therein, and approving and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

07/28/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motion

090942 [Closed Session - Potential litigation regarding proposed State Constitutional Amendment No. 09-0015]

Sponsor(s): Mirkarimi

Motion to convene in closed session for the purpose of receiving a briefing from the City Attorney regarding potential litigation regarding proposed initiative State Constitutional Amendment No. 09-0015 "New two-thirds vote requirement for local public electricity providers."

07/28/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

090878 [Settlement of Lawsuits - John Tennison and Antoine Goff totaling $7,500,000]

Ordinance authorizing settlement of the lawsuits filed by John Tennison and Antoine Goff against the City and County of San Francisco for the total amount of $7,500,000. The John Tennison lawsuit was filed on February 11, 2004, in the United States District Court for the Northern District of California, Case No. C04-0574 CW; entitled John Tennison, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $4,600,000. The Antoine Goff lawsuit was filed on April 27, 2004, in the United States District Court for the Northern District of California, Case No. C04-1643 CW; entitled Antoine Goff, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $2,900,000. (City Attorney)

07/20/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090916 [Approving one fuel contract estimated to exceed $10 million]

Resolution approving the Agreement between the City and Western States Oil for gasoline and diesel fuel, which is estimated to exceed $10 million, pursuant to Charter Section 9.118(b). (Office of Contract Administration)
(Fiscal Impact.)

07/17/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

090917 [Authorizing the Office of Contract Administration to enter into fuel-related cooperative purchasing agreements with other public entities and non-profits made up of public entities and charge an administrative fee for use of the City's fuel contract]

Resolution authorizing the Director of the Office of Contract Administration (Purchaser) to enter into fuel-related cooperative purchasing agreements with other public entities and non-profits made up of public entities to maximize efficient buying and take advantage of bulk purchases and providing for an administrative fee to be charged to other public entities to cover the costs of the City program. (Office of Contract Administration)
(Fiscal Impact.)

07/17/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

090918 **[Grant and Cooperative Agreement with Metropolitan Transportation Commission not to exceed $29,150,000]**

Resolution authorizing the San Francisco Municipal Transportation Agency to enter into a Grant and Cooperative Agreement with the Metropolitan Transportation Commission to procure, through existing TransLink® contracts, new SFMTA TransLink®-only fare collection equipment and related support services, for an amount not to exceed $29,150,000, to help complete the rollout of the regional TransLink® smartcard system. (Municipal Transportation Agency)
(Fiscal Impact.)

07/20/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Alioto-Pier
To: Budget Analyst
Requesting/Inquiring: Requesting the Budget Analyst prepare a report on the status of recommendations of its management audit of the Marina Yacht Harbor dated March 10, 2008.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes
Southwest corner Fillmore & McAllister
Southeast corner Scott & Fell
Southeast corner Fillmore & Oak
Southwest corner Golden Gate & Scott
Southeast corner Turk & Scott
Southeast corner Turk & Baker
Southeast corner Golden Gate & Masonic
Southeast corner Golden Gate & Lyon

Bus Shelters
Southwest corner Divisadero & Geary
Fillmore & Haight (all 4 bus stops, graffiti & grime)

Emergency Boxes
Northeast corner Lyon & Haight
Southeast corner Steiner & Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole
Northeast corner Page & Scott
Across from 531 Pierce
Northwest corner Masonic & Golden Gate
In front of 2013 Golden Gate
Northeast corner Baker & Golden Gate
In front 1449 Golden Gate
In front 1157 Fell
In front of 224 Haight

Wood Pole
In front of 500 Fillmore
In front of 415 Buchanan

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

1200 Divisadero
605 Webster
643 Webster
501 Fillmore
1299 Haight
1366 Haight
1399 Haight
909 Haight
906 Haight
875 Haight
2345 Post
1204 Divisadero
507 Divisadero
445 Webster
295 Buchanan
427 Pierce
320 Steiner
10 Haight
485 Scott
1105 Turk
2115 Golden Gate
1030 Fell
1174 Fell
1303 Fell
600 Stanyan
1667 Haight
1366 Haight
1317 Haight
1301 Haight
423 Haight
345 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following location: 1288 - 6th Avenue, south bound lane of 6th Avenue.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status

of removing graffiti from the following locations:

Garbage Cans
Northwest corner Fillmore & Haight
Southeast corner Fell & Fillmore

Mailboxes
Southeast corner Fulton & Laguna
Southwest Golden Gate & Divisadero
Northwest corner Post & Pierce
Northeast corner Golden Gate & Scott
Northeast corner Baker & Golden Gate

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore & Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Northwest corner of Hayes & Fillmore
Southeast corner of Fillmore & Haight

San Francisco Chronicle
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic

Examiner
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
SF Daily
Northwest corner of Hayes & Gough

City Star
Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly
Southeast corner of Masonic & Haight
Southeast corner of Haight & Fillmore

In Memoriams

Mark Guerra - Supervisor Elsbernd
Elbert (Bud) Wilson - Supervisors Elsbernd, Dufty, and Chiu
Claude Attucks Everhart - Supervisor Maxwell

page break

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:30 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on August 18, 2009.

August 04, 2009

City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES
Tuesday, August 4, 2009
2:00 PM
City Hall, Legislative Chamber, Room 250
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:09 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of July 7, 2009. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090820 **[Public Employment and Accept-Expend Federal Grant - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Human Services Agency - $26,505,777]** **Mayor**

Ordinance amending the FY 2009-2010 Annual Salary Ordinance (Companion File No. 090778) to reflect the addition of temporary and permanent salaries of $7,737,578 and authorizing the Human Services Agency to accept and expend a grant in the amount of $26,505,777 from the United States Department of Health and Human Services, TANF Emergency Contingency Fund, as part of the American Recovery and Reinvestment Act of 2009, to sponsor the Mayor's Jobs NOW Program.

(Fiscal Impact.)

Enacted Number: 191-09
FINALLY PASSED

090886 **[Water Revenue Bond Issuance - $1,310,307,119]** **Supervisor Avalos**

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

Enacted Number: 189-09

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

090829 **[Trinity Plaza Development Agreement Amendment; Property at 1167 Market Street, 670-693 Stevenson Street, and 1164 Mission Street]**

Ordinance amending a development agreement between the City and County of San Francisco and 1169 Market Street, L.P., for certain real property located at 1167 Market Street (Assessor's Block 3702/Lot 053), 670 Stevenson Street (Assessor's Block 3702/Lot 051), 693 Stevenson Street (Assessor's Block 3702/Lot 052), 1164 Mission Street (Assessor's Block 3702/Lot 039), and a portion of former Jessie Street between 7th and 8th Streets, altogether consisting of approximately 177,295 square feet (4.07 acres) and commonly known as Trinity Plaza, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), to add 5 years to the term, to permit the construction of the entirety of a parking garage, to amend the definition of Existing Tenants, to identify the BMR Units for Building A, to modify the location and selection process for the Replacement Units, and to permit a Project-wide art component for the Project; and adopting environmental, General Plan and Planning Code Section 101.1(b) findings. (Planning Department)

Enacted Number: 190-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Absent: 1 - Alioto-Pier

Supervisor Dufty, seconded by Supervisor Mar, moved to rescind the previous vote. The motion PASSED without objection.

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

090740 **[Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture]** **Supervisors Mar, Maxwell, Mirkarimi, Daly**

Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture and to drop the charges against the "San Francisco 8" defendants.

TABLED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

NEW BUSINESS

Recommendation of the Land Use and Economic Development Committee

090555 **[Amendments to the Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area]** **Supervisor Daly**

Ordinance amending the San Francisco Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area, making it a misdemeanor to moor or anchor a vessel in Clipper Cove without a valid permit issued by the Treasure Island Development Authority ("TIDA"), or its designee, and allowing TIDA to remove and store vessels moored in violation of this Ordinance.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Dennis Garden in recognition of his 39 years of service with the City and County of San Francisco Unified School District upon his retirement.

Supervisor Mirkarimi introduced, welcomed, and presented Certificates of Honor to men and women of the Northern and Park Police Stations in recognition of their continued community support, in particular for their support of National Night Out as follows:

Park Station: Captain Teri Barrett, Lieutenant Denise Fabbri; Lieutenant Arthur Borges; Lieutenant Lon Ramlan; Lieutenant Mory Stasko; Sergeant Darby Reid; Sergeant Scott Ryan; Sergeant Michael Niland

Northern Station: Captain Al Casciato; Lieutenant Belinda Kerr; Lieutenant Daue Pollitt; Lieutenant Michael Slade; Lieutenant Timothy Oberzeir; Lieutenant Tim Plyer; Sergeant Anthony Manfreda; Sergeant Carl Fabbri; Sergeant Chris Springer; Sergeant Danielle Weidman; Sergeant Darren Choy; Sergeant David Dorantes; Sergeant Jennifer Dudoroff; Sergeant Jesus Pena; Sergeant Manny Bonilla Jr.; Sergeant Marty Banduik; Sergeant Marty Lalor; Sergeant Leon Loew; Sergeant Tim Flaherty; Sergeant William Griffin

Community: Richard Johnson

SPECIAL ORDER 4:00 P.M.

090772 **[Public Hearing - Appeal of Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition]**

Hearing of persons interested in or objecting to the Planning Commission's May 14, 2009, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0128E, through its Motion No. 17879, for a proposed Drew School Addition project located at 2901 California Street/1831-1835 Broderick Street, Assessor's Block No. 1029, Lots 003 and 095. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/3/09; Companion Measure to 090773, 090774, 090775; District 2.)

The President inquired as to whether any member of the public wished to address the Board. Steve Williams (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Greg Scott; David Bolaffi; Vincent Marsh; Courtney Clarkson; Danielle Kirshenbaum; David Kornheim; Greg Hayes; Julie McQuinn; spoke in support of the appeal. Leigh Kienker, Sarah Jones, and Tara Sullivan (Planning Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Sam Cuddeback and Alice Barkley (Drew School) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Jim Mine; Lewis Hunter; Peter Jargein; Jane Perraza; Jane Carter; Male Speaker; Mary Murphy; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090773 **[Affirming the certification of the 2901 California Street/1831-1835 Broderick Street (Drew School Addition) FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.

Enacted Number: M09-135

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090774 **[Reversing the certification of 2901 California Street.1831-1835 Broderick Street (Drew School Addition) FEIR]**

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090775 **[Preparation of findings to reverse certification of 2901 California Street/1831-1835 Broderick Street (Drew School Addition) FEIR]**

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition FEIR.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

090812 **[Public Hearing - Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17880 dated May 14, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2007.0128CV), under Planning Code Sections 209.3, 303, and 317 to allow an existing private secondary school (the Drew School), to expand its facility and enrollment cap, and to demolish an existing 3-unit building within an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District, on property located at 2901 California Street/1831-1835 Broderick Street, Lot Nos. 003 and 095 in Assessor's Block 1029. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/15/09; Companion measure to Files 090813, 090814, 090815; District 2.)

The President inquired as to whether any member of the public wished to address the Board. Steve Williams (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Janet Potter; Michael Shinberg; Male Speaker (WANA); Courtney Clarkson; David Pilpel; David Bolaffi; spoke in support of the appeal. Tara Sullivan and Aaron Starr (Planning Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Sam Cuddeback, Alice Barkley, and Bonnie Fisher (Drew School) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Alisa Elliott; Phillip Stone; Mike Terry; Dan Murphy; Duncan Liam; Melissa Smith; Amina Adranni; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090813 **[Approving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Motion approving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to approve File No. 090813, and table File Nos. 090814 and 090815. The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

090814 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Motion disapproving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Daly, moved to amend File No. 090814 to add an additional condition to the Conditional Use requiring Drew School to relocate three units of rental property at current rent control rates. The motion FAILED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

090815 **[Preparation of findings related to the Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

SPECIAL ORDER 4:00 P.M.

090871 **[Public Hearing - Appeal of Mitigated Negative Declaration - 1960-1998 Market Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion 17865, adopted April 16, 2009 affirming the decision of the Planning Department to issue a Mitigated Negative Declaration (Planning Case No. 2006.1431E) for the proposed development at 1960-199B Market Street. The proposed project would demolish a service station and develop a mixed use building with up to 115 residential units over ground-floor commercial space and a partially subterranean garage with 69 parking spaces located in the Market & Octavia Plan area, Assessors Block 0872, Lots 005-007. (Appellant: Tanya Gulesserian on behalf of the San Francisco Building and Construction Trades Council)

(Filed July 6, 2009; Companion measure to 090872, 090873, 090874; District 5.)

The President inquired as to whether any member of the public wished to address the Board relating to the continuance. Melissa Ann Cassandra; spoke expressing various concerns. There were no other speakers. The President declared public comment relating to the continuance closed.

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090872 **[Affirming adoption of the mitigated negative declaration for 1960-1998 Market Street]**

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 1960-199B Market Street. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090873 **[Reversing adoption of the mitigated negative declaration for 1960-1998 Market Street]**

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090874 **[Preparation of findings to reverse adoption of the mitigated negative declaration for 1960-199B Market Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 1960-199B Market Street.

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

SPECIAL ORDER 4:00 P.M.

090912 **[Public Hearing - Appeal of Final Environmental Impact Report - San Francisco Bicycle Transportation Plan]**

Hearing of persons interested in or objecting to the Planning Commission's June 25, 2009, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0347E, through its Motion No. 17912, for the proposed update to the 2009 San Francisco Bicycle Transportation Plan, which includes minor, long-term, and near-term improvements for the bicycle route network, and amendments to the General Plan and Planning Code to reflect said Bicycle Plan. (Appellants: Catherine Liddell, representing South Beach -Rincon-Mission Bay-Neighborhood Association and Mary Miles representing Coalition for Adequate Review.)

(Filed 07/15/09; Companion measure to Files 090913, 090914, 090915.)

The President inquired as to whether any member of the public wished to address the Board. Mary Miles (Appellant) and Katy Liddell (Appellant) provided an overview of their appeals and further requested the Board to approve their appeals. Cathryn Webster; Charles Cagnin; Phillip Kui; spoke in support of the appeals. Bill Wycko (Planning Department) Amit Ghosh and Bridget Smith (Municipal Transportation Authority) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Male Speaker; Richard Tullis; Aida Berkowitz; Dave Gardner; Female Speaker; Walter Paulson; Ranesh Chancey; Amand Jwa; Don Edwards; Neil Patel; Greg Hayes; Leah Shakem; spoke in support of the plan and in opposition to the appeals. Katy Liddell (Appellant) and Mary Miles (Appellant) provided a rebuttal and further requested the Board to approve the appeals. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090913 **[Affirming certification of the Bicycle Plan Project FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2009 San Francisco Bicycle Plan Project.

Enacted Number: M09-136

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090914 **[Reversing certification of the Bicycle Plan Project FEIR]**

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2009 San Francisco Bicycle Plan Project.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090915 **[Preparation of findings to reverse certification of the Bicycle Plan Project FEIR]**

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2009 Bicycle Plan Project FEIR.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Board of Supervisors Sitting as a Committee of the Whole

The President inquired as to whether any member of the public wished to address the Committee of the Whole on File Nos. 090867 and 090868.

Greg Hayes; expressed various concerns.

Mary Miles; expressed concerns relating to findings and CEQA requirements.

Charles Cagnin; spoke complimenting noticing efforts.

David Pilpel; expressed concerns relating to amendments.

Marilyn Amini; expressed concerns relating to process.

John Malamut (City Attorney's Office), Steve Shotland (Planning Department), and Amit Ghosh (MTA) provided an overview of the General Plan and Planning Code amendments and responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned the Committee of the Whole.

Called from the Land Use and Economic Development Committee

090867 **[Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]**

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090868 **[Bicycle Plan adoption and related General Plan amendments]**

Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto. (Planning Department)

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns translated in Arabic and English.

James Chaffee; expressed concerns relating to the SF Public Library.

Male Speaker; expressed various concerns.

Henry Warfield; expressed concerns relating to the SF Public Library.

Joan Wood; expressed concerns relating to the SF Public Library.

Walter Paulson; shared in song certain concerns with the Board.

Male Speaker; expressed various religious concerns.

Annie Kim; Antonio Balotro; Immanuel Talcon; Adolphus Cholopray; Whitfield McTair; expressed support for legislation opposing BART surcharge for San Francisco Airport employees.

Richard McRee; expressed concerns relating to technology, inventions and patents.

Lena Horton; expressed concerns relating to the SF Public Library.

Greg Lowell; expressed concerns relating to the economy and government workers.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090967 **[Approving the plan to allow a gated $10 admission charge to the Lovevolution Festival in Civic Center Plaza, pending the approval of the Interdepartmental Staff Committee on Traffic and** **Supervisor Mirkarimi**

Resolution approving the plan to allow a gated $10 admission charge to the Lovevolution Festival in Civic Center Plaza, which is scheduled to take place on Saturday, October 3, 2009, pending the approval of the Interdepartmental Staff Committee on Traffic and Transportation.

Enacted Number: 339-09

ADOPTED

090968 **[Supporting President Obama's principles for national health care reform]** **Mayor, Supervisors Chiu, Mar, Maxwell, Dufty, Mirkarimi, Alioto-Pier**

Resolution supporting President Obama's principles for national health care reform.

Enacted Number: 312-09

ADOPTED

090941 **[Final Map - 2011 Bayshore Boulevard]**

Motion approving Final Map 4976, a 64 Residential Unit Condominium Project, located at 2011 Bayshore Boulevard being a subdivision of Lot 093 in Assessors Block No. 5054A and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

(DPW Order 178,139; District 10.)

Enacted Number: M09-134

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that this matter be severed so that it may be considered separately.

090966 **[Opposing BART surcharge]** **Supervisors Chiu, Dufty, Campos, Mirkarimi, Maxwell, Avalos, Mar**

Resolution opposing BART surcharge on SFO employees.

Supervisor Avalos requested to be added as a co-sponsor.

REFERRED to the Land Use and Economic Development Committee.

IMPERATIVE AGENDA

There were none.

OFF-AGENDA LEGISLATION

Ordinances

090985 **[Setting San Francisco FY 2009-2010 property tax rate and establishing a pass-through rate for residential tenants]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2010.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090986 **[Setting San Francisco Community College District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2010.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090987 **[Setting San Francisco Unified School District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2010.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090988 **[Setting San Francisco Bay Area Rapid Transit District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2010.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090989 **[Campaign Finance Reform Ordinance amendments]** **Supervisor Daly**

Ordinance amending Article 1, Chapter 1 of the Campaign & Governmental Conduct Code by amending sections 1.100, 1.104, 1.107, 1.108, 1.112, 1.113, 1.114, 1.118, 1.122, 1.128, 1.130, 1.134, 1.135, 1.136, 1.140, 1.142, 1.144, 1.146, 1.148, 1.150, 1.152, 1.156, 1.161, 1.161.5, 1.168, 1.170, deleting sections 1.134.5, 1.158, and 1.160, and adding sections 1.109, 1.143, 1.171, and 1.175 to refine and conform definitions; to eliminate and streamline reporting requirements; to authorize greater electronic filing; to adjust expenditure ceilings for inflation; to clarify the permissible uses of campaign funds; to provide that certain candidates are eligible to accept Voluntary Expenditure Ceilings; to set forth the instances in which the Ethics Commission will lift Voluntary Expenditure Ceilings; to modify how public funds are disbursed to eligible candidates; to clarify the requirements for third-party reporting; to amend the statute of limitations for administrative actions; and to impose record retention requirements on local committees.

8/4/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/4/2009. Referred to the Ethics Commission for comment on August 12, 2009.

090990 **[Technology Capital Planning]** **Supervisor Dufty**

Ordinance amending the San Francisco Administrative Code by amending Sections 3.2, 3.20 and 3.21 and adding Sections 3.27, 3.28 and 10.100-287 to establish a requirement for a ten-year Technology Investment Plan, a Technology Planning Committee, and a Technology Capital Planning Fund.

8/4/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 9/4/2009.

090991 **[Prohibiting members of City boards and commissions from obtaining City employment]** **Supervisors Mar, Avalos, Campos, Mirkarimi, Chiu, Daly**

Ordinance amending Chapter 2 of Article III of the Campaign and Governmental Conduct Code to prohibit members of City boards and commissions from obtaining employment with the City during their tenure and for one year after the termination of their City service.

8/4/09, RECEIVED AND ASSIGNED to Rules Committee. Referred to the Ethics Commission for comment on August [illegible], 2009.

090992 **[Recreation and Park - Farmers' Market Fees - $475 per market location for six months]** **Supervisor Mirkarimi**

Ordinance amending San Francisco Park Code Section 7.21 to establish farmers' market fees at $475 per market location for six months of operation.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090319 **[Zoning - Providing for a Five Feet Special Height Exception for Active Ground Floor Uses in NC-1 Designated Parcels Along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue]** **Supervisor Avalos**

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in NC-1 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; amending Section [illegible] to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

3/17/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/16/2009.

3/24/09, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation. Referred to Planning Department for environmental review.

3/26/09, RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060(c)(2).

8/4/09, SUBSTITUTED.

8/4/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/4/2009.

Resolutions

090993 **[Acquisition of Muni Fillmore Substation at 1190 Fillmore Street]** **Supervisor Mirkarimi**

Resolution approving the acquisition of real property with improvements located at 1190 Fillmore Street (at Turk Street), together with a Certificate for 171,308 units of Transferable Development Rights and $135,225 in predevelopment planning funds from the San Francisco Redevelopment Agency for the rehabilitation of the Muni Substation, at no cost to the City.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090994 **[Certificates of Participation for multiple capital improvement projects]** **Mayor**

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the execution and delivery of City and County of San Francisco Certificates of Participation and authorizing the preparation, execution and delivery of a final official statement; delegating to the Director of Public Finance the authority to sell the certificates by either a competitive or negotiated sale; ratifying the approvals and terms and conditions of a previous resolution; declaring the official intent of the City and County of San Francisco to reimburse itself from the proceeds of future bonded indebtedness for purposes of complying with the Internal Revenue Code of 1986, as amended; and related matters.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090995 **[Urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media and to update the 1993 report on the Role of Telecommunications in Hate** **Supervisors Campos, Avalos, Chiu, Dufty, Daly, Mar, Mirkarimi, Maxwell**

Resolution urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media, allowing public participation via public hearings, and to update the 1993 report on the Role of Telecommunications in Hate Crimes, including public participation via public hearings.

8/4/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

090996 **[Recognizing and honoring Tim Reagan's contribution to social justice and workers' rights]** **Supervisor Daly**

Resolution acknowledging Tim Reagan's contributions to the struggle for social justice and workers' rights for more than two decades.

8/4/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion

090997 **[Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election]**

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election. (Clerk of the Board)

8/4/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Requests for Hearing

090983 **[Shelter Reservation Extension Policy]** **Supervisor Daly**

Hearing to discuss the amended changes to the Shelter Reservation Extension Policy.

8/4/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090984 **[Impact of State budget cuts on the operations of the San Francisco Unified School District]** **Supervisors Elsbernd, Mar**

Hearing to discuss the impact of State budget cuts to education on the San Francisco Unified School District. Hearing will examine the San Francisco Unified School District's projected $61 million deficit over two years as well as plans for dealing with an anticipated $400 decrease in spending per pupil this year.

8/4/09, RECEIVED AND ASSIGNED to City and School District Select Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes

Southwest corner Fulton and McAllister

Southeast corner McAllister and Fillmore

Near 1140 Oak

Southeast corner Fell and Buchanan

Northeast corner McAllister and Gough

Northeast corner Gough and Fulton

Bus Shelters

Northeast corner Hayes and Broderick

Northeast corner Geary and Scott

Northeast corner Fillmore and Hermann

Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes

Northwest corner Post and Webster

Northeast corner Hayes and Broderick

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole

Northeast corner Boswell and Geary

Northwest corner Fillmore and Waller

Southeast corner Sutter and Laguna

Southwest corner Laussant & Fillmore

Wood Pole

Northwest corner Haight and Webster

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

537 Shrader

1140 Oak

1144 Oak

250 Scott

485 Scott

546 Haight

800 Hayes

295 Buchanan

478 Haight

583 Haight

536-538 Haight

350 Laguna

355 Laguna

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following location: Sidewalk in

In Memoriams

John Joseph Conneely - Supervisor Alioto-Pier

Shirley Malloy - Supervisor Chiu

Jamie Xelowski - Supervisor Daly

Nir Katz - Supervisors Dufty and Campos

Liz Tarbushi - Supervisors Dufty and Campos

Sydna Konstin - Supervisors Dufty and Chiu

Don Brown - Supervisor Dufty

Gregory Robert Morris - Supervisor Elsbernd

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:42 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 15, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

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AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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August 11, 2009

City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES
Tuesday, August 11, 2009
2:00 PM
City Hall, Legislative Chamber, Room 250
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum

Supervisor Alioto-Pier was noted present at 2:07 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of July 14, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Clerk of the Board Angela Calvillo announced that she was in receipt of a communication from the Planning Department rescinding the department's December 19, 2008, categorical exemption on the appeal for 717 Battery Street/350 Pacific Avenue, which was the subject of the 4:00 p.m. Special Order. Board President Chiu announced that the withdrawal of the categorical exemption renders these items by operation of law, no longer before the Board. File Nos. 090109, 090110, 090111, 090112 were filed pursuant to this communication.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090883 [Airport Concession Lease]

Resolution approving Amendment No. 3 to the Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal Impact.)

Enacted Number: 344-09
ADOPTED

090930 **[Renew Joint Powers Agreement with State and Accept and Expend up to $2,249,136]** **Supervisor Avalos**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively contract for, accept and expend up to $2,249,136 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement for the period of July 1, 2009, through June 30, 2012.

Enacted Number: 346-09

ADOPTED

Recommendation of the Land Use and Economic Development Committee

090555 **[Amendments to the Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area]** **Supervisor Daly**

Ordinance amending the San Francisco Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area, making it a misdemeanor to moor or anchor a vessel in Clipper Cove without a valid permit issued by the Treasure Island Development Authority ("TIDA"), or its designee, and allowing TIDA to remove and store vessels moored in violation of this Ordinance.

Enacted Number: 193-09

FINALLY PASSED

Recommendations of the Rules Committee

090878 **[Settlement of Lawsuits - John Tennison and Antoine Goff totaling $7,500,000]**

Ordinance authorizing settlement of the lawsuits filed by John Tennison and Antoine Goff against the City and County of San Francisco for the total amount of $7,500,000. The John Tennison lawsuit was filed on February 11, 2004, in the United States District Court for the Northern District of California, Case No. C04-0574 CW; entitled John Tennison, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $4,600,000. The Antoine Goff lawsuit was filed on April 27, 2004, in the United States District Court for the Northern District of California, Case No. C04-1643 CW; entitled Antoine Goff, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $2,900,000. (City Attorney)

PASSED, ON FIRST READING

090896 **[Settlement of Lawsuit - John Williams - $27,000]**

Ordinance authorizing settlement of the lawsuit filed by John Williams against the City and County of San Francisco for $27,000; the lawsuit was filed on September 5, 2008, in San Francisco Superior Court, Case No. 479-512; entitled John Williams v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

090897 **[Settlement of Lawsuit - Benson Chen - $75,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Benson Chen against the City and County of San Francisco for $75,000; the lawsuit was filed on November 2, 2007, in San Francisco Superior Court, Case No. 468791; entitled Benson Chen v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

090898 **[Settlement of Lawsuit - Yue Kong Kam - $102,327.06]**

Ordinance authorizing settlement of the lawsuit filed by Yue Kong Kam against the City and County of San Francisco for $102,327.06; the lawsuit was filed on June 19, 2008, in San Francisco Superior Court, Case No. 476-544; entitled Yue Kong Kam, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

090899 **[Settlement of Lawsuits - United States of America - $7,000,000]**

Ordinance authorizing settlement of the two lawsuits filed by the United States of America against the City and County of San Francisco for $7,000,000; the two lawsuits were filed on August 22, 2005, and September 6, 2007, in the United States District Court for the Eastern District of California, Case No. 2:05 CV 01693 entitled United States of America v. City and County of San Francisco, et al. and Case No. 1:07 CV 01300 entitled United States of America v. City and County of San Francisco, et al. and appropriating $7,000,000 of fund balance from the Hetch Hetchy Fund for this purpose. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

090868 **[Bicycle Plan adoption and related General Plan amendments]**

Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto. (Planning Department)

Enacted Number: 188-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090867 **[Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]**

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

Enacted Number: 187-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090546 **[Appropriating $119,800,000 of proceeds from debt for wastewater system improvements at the Public Utilities Commission for FY 2009-2010 and 2010-2011]** **Mayor**

Ordinance appropriating $119,800,000 of proceeds from debt revenue for the Wastewater Enterprises Interim Capital Improvement Program and the Sewer System Master Plan Biosolids/Digester and Channel Tunnel Projects at the San Francisco Public Utilities Commission for FY 2009-2010 and 2010-2011 and placing $78,800,000 on Controller's reserve pending the sale of bonds.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090869 **[Approval of SFPUC New Irvington Tunnel Construction Management Contract not to exceed $15 million]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-918, New Irvington Tunnel Construction Management Services, with Hatch Mott MacDonald, for an amount not to exceed $15,000,000 with a term of up to five (5) years, pursuant to San Francisco Charter Section 9.118(b). (Public Utilities Commission)

(Fiscal Impact.)

Enacted Number: 343-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090916 **[Approving one fuel contract estimated to exceed $10 million]**

Resolution approving the Agreement between the City and Western States Oil for gasoline and diesel fuel, which is estimated to exceed $10 million, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

Enacted Number: 345-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

090461 **[Providing members of the public with access to language services]** **Supervisors Chiu, Daly, Chu, Campos, Mar, Avalos, Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding new Sections 91.1, 91.8, 91.11, 91.14, 91.18; amending Sections 91.2, 91.3, 91.4, 91.6; amending Section 91.8 and renumbering Section 91.8 as 91.9; amending Section 91.9 and renumbering Section 91.9 as 91.10; amending Section 91.11 and renumbering Section 91.11 as 91.13; amending Section 91.12 and renumbering Section 91.12 as 91.15; amending Section 91.14 and renumbering Section 91.14 as 91.17; renumbering Sections 91.10 as 91.12 and 91.13 as 91.16 to rename the Equal Access Ordinance to Language Access Ordinance and add findings; to develop language services protocols in crisis situations, to amend the contents required in departmental Annual Compliance Plans; to create reporting requirements, to create and outline the Office of Civic Engagement and Immigrant Affairs' responsibilities; to clarify the Ordinance intent to promote the general welfare of the public; to require all City departments to comply with the minimal requirements set forth in this Ordinance; to expand the number of City departments that must comply with the Ordinance in its entirety; to require all City departments to inform Limited English Speaking Persons of their rights under the Ordinance; to require all City Boards, City Commissions, and City Departments to translate meeting minutes; and to amend the compliant procedures.

Supervisors Campos, Mar, and Avalos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

090576 **[Hearing - Hunters View - Street Vacation Order]**

Hearing of persons interested in or objecting to proposed ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance.

Barbara Moy (Department of Public Works) provided an overview.

The President inquired as to whether any member of the public wished to address the Board. There were no speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

From the Land Use and Economic Development Committee Without Recommendation

090575 **[Hunters View - Street Vacation Order]**

Ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

SPECIAL ORDER 3:00 P.M.

090956 **[Public Hearing - Department of Public Health Delinquent Refuse Service Payment Liens (Garbage Liens)]**

Hearing of persons interested in or objecting to the report of delinquent charges for refuse collection service and removal costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating special assessments and liens based thereon.

Scott Nakamura (Department of Public Health) provided an overview.

The President inquired as to whether any member of the public wished to address the Board. There were no speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090957 **[Unpaid Department of Public Health Delinquent Refuse Service Payments to become Special Assessments and liens billed with property taxes]**

Resolution confirming report of delinquent charges for refuse collection service and removal costs submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon

Enacted Number: 341-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

SPECIAL ORDER 3:00 P.M.

090958 **[Public Hearing - Department of Building Inspection Special Assessment of Liens for Assessment of Costs]**

Hearing of persons interested in or objecting to the report of Delinquent Charges for Code Enforcement cases with delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said department of costs thereof having accrued pursuant to code violations referenced above.

Alan Davison (Department of Building Inspection) provided an overview.

The President inquired as to whether any member of the public wished to address the Board. Yick Wong spoke expressing concerns relating to process. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090959 **[Special Assessment of Liens for Assessment of Cost]**

Resolution confirming report of Delinquent Charges for Code Enforcement cases with delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said department of costs thereof having accrued pursuant to code violations referenced above

Enacted Number: 340-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

See additional information under Communications above.

090109 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12 7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District, the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

FILED.

090110 **[Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

FILED.

090111 **[Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

FILED.

090112 **[Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

FILED.

COMMITTEE REPORTS

From the Rules Committee Without Recommendation

090895 **[Settlement of Lawsuit - Linda Caratti - $80,000]**

Ordinance authorizing settlement of the lawsuit filed by Linda Caratti against the City and County of San Francisco for $80,000; the lawsuit was filed on August 28, 2008, in San Francisco Superior Court, Case No. 479214; entitled Linda Caratti, v. City and County of San Francisco, et al.; other material terms of said settlement are that the City and San Francisco Zoological Society agree to a mutual release of claims for indemnification. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090970 **[Reappointment, Recreation and Parks Commission - Larry Martin]**

Motion approving the Mayor's reappointment of Larry Martin to the Recreation and Parks Commission for the term ending June 27, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - July 13, 2009.)

Enacted Number: M09-140

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

Recommendations of the Rules Committee

090973 **[Reappointment, Recreation and Parks Commission - David Lee]**

Motion rejecting the Mayor's reappointment of David Lee to the Recreation and Parks Commission for the term ending June 27, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - July 13, 2009.)

NOT APPROVED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

090974 **[Appointment, Residential Rent Stabilization and Arbitration Board - Amelia D. Yaros]** **Supervisor Elsbernd**

Motion approving the Mayor's appointment of Amelia D. Yaros to the Residential Rent Stabilization and Arbitration Board for the term ending October 1, 2011.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - July 13, 2009.)

Supervisor Elsbernd requested to be added as sponsor.

Enacted Number: M09-141

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090976 **[Reappointment, Civil Service Commission - Dennis Normandy]**

Motion approving the Mayor's reappointment of Dennis Normandy to the Civil Service Commission for the term ending June 30, 2015.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed Transmittal date - July 13, 2009.)

Enacted Number: M09-139

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090554 **[Building Code - Registration of Vacant/Abandoned Buildings; Maintenance and Security Requirements; Annual Fee and Penalties for Violation]** **Supervisors Chiu, Dufty, Mar, Avalos**

Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building secured and in good condition, and provide that a property in violation of the requirements is a public nuisance, and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings.

Supervisor Mor requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090889 **[Regulations for Mortgage Modification Consultants]** **Supervisors Campos, Maxwell, Mirkarimi, Dufty, Chiu, Chu, Mar, Avalos**

Ordinance amending the San Francisco Police Code by adding Article 27 to regulate mortgage modification consultants by (1) requiring a written contract describing mortgage modification services to be provided prior to initiation of services; (2) requiring that any contract entered into for these services provide notice that the contract may be cancelled within fourteen calendar days and that services may be obtained free of charge from nonprofit sources; (3) prohibiting collection of fees until the consultant has obtained a written loan modification offer for the homeowner; and (4) providing for enforcement by criminal penalties and a private cause of action for homeowners, and making environmental findings.

Supervisors Mor and Avolos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090966 **[Opposing BART surcharge]** **Supervisors Chiu, Dufty, Campos, Mirkarimi, Maxwell, Avalos, Mar**

Resolution opposing BART surcharge on SFO employees.

Supervisor Mor requested to be added as a co-sponsor.

Enacted Number: 347-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

James Chaffee; expressed concerns relating to the SF Public Library.

Male Speaker; expressed various concerns.

Walter Paulson; shared in song certain concerns with the Board.

John DiDonna; shared in poem certain concerns with the Board.

Female Speaker; expressed support for resolution regarding hate speech in the media.

Carmen; expressed support for resolution regarding hate speech in the media.

Richard McRee; expressed concerns relating to technology, inventions and patents.

Male Speaker; expressed various religious concerns.

Peter Warfield; expressed concerns relating to the SF Public Library.

Francisco Da Costa, expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090995 **[Urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media and to update the 1993 report on the Role of Telecommunications in Hate** **Supervisors Campos, Avalos, Chiu, Dufty, Daly, Mar, Mirkarimi, Maxwell**

Resolution urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media, allowing public participation via public hearings, and to update the 1993 report on the Role of Telecommunications in Hate Crimes, including public participation via public hearings.

Enacted Number: 348-09

ADOPTED

090996 **[Recognizing and honoring Tim Reagan's contribution to social justice and workers' rights]** **Supervisor Daly**

Resolution acknowledging Tim Reagan's contributions to the struggle for social justice and workers' rights for more than two decades.

Enacted Number: 349-09

ADOPTED

090395 **[Final Map - 1355 Pacific Avenue]**

Motion approving Final Map 5525, a 23 unit residential condominium project, located at 1355 Pacific Avenue being a subdivision of Lot 031 in Assessors Block No. 0184 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,260; District 3.)

Enacted Number: M09-138

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that this matter be severed so that it may be considered separately.

090997 **[Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election]**

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Dufty, moved to assign former Supervisor Jake McGoldrick, as an individual voter who is eligible to vote, to write the official proponent argument for the Charter Amendment relating to legislative aides on behalf of the Board of Supervisors.

The motion PASSED without objection.

Supervisor Campos, seconded by Supervisor Avalos, moved to assign Supervisor Chiu to write the official proponent argument for the Charter Amendment relating to budgetary cycle on behalf of the Board of Supervisors.

The motion PASSED without objection.

Supervisor Elsbernd, seconded by Supervisor Chu, moved to assign Supervisor Dufty to write the official proponent argument for the ordinance relating to Candlestick Point on behalf of the Board of Supervisors.

The motion PASSED without objection.

Supervisor Elsbernd, seconded by Supervisor Chu, moved to delete the Charter Amendment relating to legislative aides thereby not assigning an opponent argument.

The motion PASSED without objection.

Supervisor Daly, seconded by Supervisor Campos, moved to assign Supervisor Daly to write the official opponent argument for the Charter Amendment relating to budgetary cycle on behalf of the Board of Supervisors.

The motion PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved to assign Supervisor Daly to write the official proponent argument for the ordinance relating to Candlestick Point on behalf of the Board of Supervisors.

The motion PASSED without objection.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

APPROVED AS AMENDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

IMPERATIVE AGENDA

There were none.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

091013 **[Application of City's conflict of interest laws to City officers]** **Supervisor Elsbernd**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by amending sections 3.222 and 3.224 to clarify the application of prohibitions to City officers, and by adding sections 3.201 and 3.203 to name the Government Ethics Ordinance, to permit waiver of contracting prohibition, and to define "officer."

8/11/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/10/2009. Referred to the Ethics Commission for comment on August 17, 2009.

091014 **[Planning Code-Conditional Use Requirement for Nail Salons in the West Portal Avenue Neighborhood Commercial District]** **Supervisor Elsbernd**

Ordinance amending the Planning Code by amending Section 729 to add new Subsection 729.52A and adding new Section 790.115 to require conditional use authorization in the West Portal Avenue Neighborhood Commercial District for certain personal service nail salons, as defined; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

8/11/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/10/2009.

091015 **[Reimbursement to City for dignitary security provided during campaign-related travel by elected officials]** **Supervisors Mirkarimi, Campos, Avalos, Daly**

Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.

8/11/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/10/2009. Referred to the Ethics Commission for comment on August 17, 2009.

Resolutions

091012 **[Board review and approval of 2009 U.S. Department of Housing and Urban Development Continuum of Care Programs Application]** **Supervisor Chiu**

Resolution approving the City and County of San Francisco 2009 Grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of $5,000,000 or more.

8/11/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091016 **[Contract between the Department of Public Health and the San Francisco Community Health Authority to provide Provider Payment services for the Healthy San Francisco program]** **Mayor, Supervisor Avalos**

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to retroactively contract with the San Francisco Community Health Authority to provide Provider Payment services for the Healthy San Francisco program for the term of July 1, 2009, through June 30, 2010.

(Fiscal Impact.)

8/11/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091017 **[Supporting the Children's Defense Fund Health Coverage for All Children Campaign]** **Supervisor Alioto-Pier**

Resolution supporting the Children's Defense Fund's Health Coverage for All Children Campaign.

8/11/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091018 **[FY 2009-2010 California Constitution Appropriations Limit]** **Supervisor Avalos**

Resolution establishing the appropriations limit for FY 2009-2010 pursuant to California Constitution Article XIII B.

8/11/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091019 **[Reaffirming the Board of Supervisors' support for the expeditious completion of the Mexican Museum Project at the Yerba Buena Garden site]** **Supervisors Campos, Alioto-Pier, Avalos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi**

Resolution reaffirming the Board of Supervisors' support for the Mexican Museum project, and calling upon all parties, including the San Francisco Redevelopment Agency, Millennium Partners, the San Francisco Arts Commission, and Fort Mason to support the expeditious completion of the project, including helping the Mexican Museum retain its lease with Fort Mason concurrent with and through the development, construction and actualization of the Mexican Museum project at the Yerba Buena Garden site.

8/11/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

091010 **[Department of Children, Youth, and their Families' Children's Services Allocation Plan FY 2010-2013]** **Supervisor Avalos**

Hearing on Department of Children, Youth, and their Families' Children's Services Allocation Plan for FY's 2010-2013 "Raising San Franciscans Together."

8/11/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091011 **[Training center in the Bayview]** **Supervisors Daly, Mirkarimi, Avalos, Campos, Maxwell**

Hearing on the GoSolarSF and SolarCity's promise to develop a training center in the Bayview.

8/11/09, RECEIVED AND ASSIGNED to Rules Committee.

Motion

090942 **[Closed Session - Potential litigation regarding proposed State Constitutional Amendment No. 09-0015]** **Supervisor Mirkarimi**

Motion to convene in closed session for the purpose of receiving a briefing from the City Attorney regarding potential litigation regarding proposed initiative State Constitutional Amendment No. 09-0015 "New two-thirds vote requirement for local public electricity providers."

7/28/09, RECEIVED AND ASSIGNED to Rules Committee.

8/5/09, TRANSFERRED to Government Audit and Oversight Committee.

8/11/09, SUBSTITUTED. Supervisor Mirkarimi submitted a motion bearing new title.

8/11/09, ASSIGNED to Government Audit and Oversight Committee.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

090791 **[Changing the official sidewalk width - 20th, Minnesota, and Indiana Streets]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1584 to change the official sidewalk width on the north side of 20th Street between Minnesota and Indiana Streets, southwest corner of 20th and Minnesota Streets, and southeast corner of 20th and Indiana Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

7/31/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090780 **[Revisions to Division I of the San Francisco Transportation Code]**

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 6.7, 7.2.12, 7.2.26, 7.2 27, 7.2 28, [illegible] 7.2.71, 7.2.80, 7.2.101, 7.3.3 and 8.1 to change existing posting requirements for temporary parking restriction signs; amend the requirements for street barricades for street fairs; provide that yellow or white zones may be indicated by either yellow or white paint on the curb or signage; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that any violation of Division II, Section 903 is a violation of Section 7.2.71; prohibit taxicab operators from leaving a vehicle unattended in certain use districts; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line unless on a line, route or location designated by the SFMTA; provide that four or more violations of Section 7.2.71 within one year constitute a misdemeanor; repeal noticing requirements for towing vehicles on public streets; and clarify applicable restrictions and references to Division II; and repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park. (Municipal Transportation Agency)

6/8/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

8/3/09, SUBSTITUTED.

8/3/09, ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

090879 **[Approving amendment to engineering services agreement for SFPUC New Irvington Tunnel Project]**

Resolution approving and authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by $3,900,000 for a total revised agreement amount of $13,898,561 and extend the agreement term by one year for a total revised agreement term of eight years, pursuant to San Francisco Charter Section 9.118(b). (Public Utilities Commission)

(Fiscal Impact.)

8/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090979 **[CEQA findings for SFPUC Water System Improvement Program, Bay Division Pipeline Reliability Upgrade Project in Alameda and San Mateo Counties]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Reliability Upgrade Project, CUW 36801, 36802 and 36803; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

8/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090980 **[CEQA findings for SFPUC Water System Improvement Program, San Joaquin Pipeline System Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and the statement of overriding considerations related to the San Joaquin Pipeline System Project. Project No. CUW37301; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

8/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Alioto-Pier

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft an ordinance that amends the Equal Access to Language Services law to require the provision of American Sign Language to members of the public.

From: Supervisor Daly

To: Controller

To: City Attorney

To: Mayor's Budget Office

Requesting/Inquiring: Letter of inquiry concerning the process for addressing state and local revenue shortfalls.

The California State Budget was passed on July 28, 2009. According to Section 9.3 of the Administrative Provisions outlines a process for addressing state or local revenue shortfall. Please indicate the dates as prescribed by Section 9.3 for reporting, implementing reductions in spending, etc. and your offices plan to implement the prescribed timeline.

From Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore and Post

Southwest corner of Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 9th Avenue

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough

Southeast corner of Fillmore and Haight

SF Weekly

Southeast corner

In Memoriams

Alexander Foreman - Supervisor Mar

Vahram Takvorian - Supervisor Mar

Lee Cole - Supervisor Mirkarimi

Ralphie - Supervisor Mirkarimi

Michael B. Wilson - Supervisor Dufty

Debra Heller Stein - Supervisors Elsbernd and Chu

Peter Burns - Supervisor Chu

Mary Ryan - Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:25 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 15, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

Disability access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more infirmation about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Franciseo, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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August 18, 2009

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MEETING MINUTES
Tuesday, August 18, 2009
2:00 PM
City Hall, Legislative Chamber, Room 250
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*Bevan Dufty.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, Supervisor Dufty was noted absent. There was a quorum.

Supervisor Dufty Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to excuse Supervisor Dufty from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of July 21, 2009, and July 28, 2009. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

COMMUNICATIONS

President Chiu announced the Board of Supervisors will be in recess beginning August 19, 2009. The next Regular Board Meeting of the Board of Supervisors is scheduled for September 15, 2009. There were no further announcements.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President Chiu inquired if the Mayor would make an appearance before the Board of Supervisors. The Mayor's Liaison to the Board of Supervisors, Starr Terrell, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090546 **[Appropriating $119,800,000 of proceeds from debt for wastewater system improvements at the Public Utilities Commission for FY 2009-2010 and 2010-2011]** **Mayor**

Ordinance appropriating $119,800,000 of proceeds from debt revenue for the Wastewater Enterprises' Interim Capital Improvement Program and the Sewer System Master Plan Biosolids/Digester and Channel Tunnel Projects at the San Francisco Public Utilities Commission for FY 2009-2010 and 2010-2011 and placing $78,800,000 on Controller's reserve pending the sale of bonds.

(Fiscal Impact.)

Enacted Number: 201-09

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

090634 **[Accept and Expend Federal Grant - Airport Commission - $203,000]** **Supervisor Elsbernd**

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $203,000 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

Enacted Number: 350-09

ADOPTED

090635 **[Accept and Expend Federal Grant - Airport Commission - $350,500]** **Supervisor Elsbernd**

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $350,500 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

Enacted Number: 351-09

ADOPTED

090932 **[Accept and Expend Grant - HIV Testing and Counseling in STD Clinics - $122,160]** **Supervisor Campos**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the University of Miami in the amount of $122,160 to perform a randomized clinical trial comparing the relative efficacy and cost-effectiveness of two HIV testing strategies; for the period of September 30, 2009, through September 29, 2011.

Enacted Number: 352-09

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090554 **[Building Code - Registration of Vacant/Abandoned Buildings; Maintenance and Security Requirements; Annual Fee and Penalties for Violation]** **Supervisors Chiu, Dufty, Mar, Avalos**

Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building secured and in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings.

Supervisor Avalos requested to be added as a co-sponsor.

Enacted Number: 194-09

FINALLY PASSED

090889 **[Regulations for Mortgage Modification Consultants]** **Supervisors Campos, Maxwell, Mirkarimi, Dufty, Chiu, Chu, Mar, Avalos**

Ordinance amending the San Francisco Police Code by adding Article 27 to regulate mortgage modification consultants by: (1) requiring a written contract describing mortgage modification services to be provided prior to initiation of services; (2) requiring that any contract entered into for these services provide notice that the contract may be cancelled within fourteen calendar days and that services may be obtained free of charge from nonprofit sources; (3) prohibiting collection of fees until the consultant has obtained a written loan modification offer for the homeowner; and (4) providing for enforcement by criminal penalties and a private cause of action for homeowners, and making environmental findings.

Enacted Number: 203-09

FINALLY PASSED

Recommendations of the Rules Committee

090219 **[Amendment to post-employment restrictions]** **Supervisor Elsbernd**

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to extend the one-year restriction on communicating with one's former department to employees and officers who have transferred departments within the City; and to provide that an employee or officer may not be employed by a party to a City contract within one year after the contract date if the employee or officer participated personally and substantially in the award of the contract.

PASSED, ON FIRST READING

090461 **[Providing members of the public with access to language services]** **Supervisors Chiu, Daly, Chu, Campos, Mar, Avalos, Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding new Sections 91.1, 91.8, 91.11, 91.14, 91.18; amending Sections 91.2, 91.3, 91.4, 91.6; amending Section 91.8 and renumbering Section 91.8 as 91.9; amending Section 91.9 and renumbering Section 91.9 as 91.10; amending Section 91.11 and renumbering Section 91.11 as 91.13; amending Section 91.12 and renumbering Section 91.12 as 91.15; amending Section 91.14 and renumbering Section 91.14 as 91.17; renumbering Sections 91.10 as 91.12 and 91.13 as 91.16 to rename the Equal Access Ordinance to Language Access Ordinance and add findings; to develop language services protocols in crisis situations; to amend the contents required in departmental Annual Compliance Plans; to create reporting requirements, to create and outline the Office of Civic Engagement and Immigrant Affairs' responsibilities; to clarify the Ordinance intent to promote the general welfare of the public; to require all City departments to comply with the minimal requirements set forth in this Ordinance; to expand the number of City departments that must comply with the Ordinance in its entirety; to require all City departments to inform Limited English Speaking Persons of their rights under the Ordinance; to require all City Boards, City Commissions, and City Departments to translate meeting minutes; and to amend the compliant procedures.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 202-09

FINALLY PASSED

090878 **[Settlement of Lawsuits - John Tennison and Antoine Goff totaling $7,500,000]**

Ordinance authorizing settlement of the lawsuits filed by John Tennison and Antoine Goff against the City and County of San Francisco for the total amount of $7,500,000. The John Tennison lawsuit was filed on February 11, 2004, in the United States District Court for the Northern District of California, Case No. C04-0574 CW; entitled John Tennison, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $4,600,000. The Antoine Goff lawsuit was filed on April 27, 2004, in the United States District Court for the Northern District of California, Case No. C04-1643 CW; entitled Antoine Goff, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $2,900,000. (City Attorney)

Enacted Number: 199-09

FINALLY PASSED

090896 **[Settlement of Lawsuit - John Williams - $27,000]**

Ordinance authorizing settlement of the lawsuit filed by John Williams against the City and County of San Francisco for $27,000; the lawsuit was filed on September 5, 2008, in San Francisco Superior Court, Case No. 479-512; entitled John Williams v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 195-09

FINALLY PASSED

090897 **[Settlement of Lawsuit - Benson Chen - $75,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Benson Chen against the City and County of San Francisco for $75,000; the lawsuit was filed on November 2, 2007, in San Francisco Superior Court, Case No. 468791; entitled Benson Chen v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 196-09

FINALLY PASSED

090898 **[Settlement of Lawsuit - Yue Kong Kam - $102,327.06]**

Ordinance authorizing settlement of the lawsuit filed by Yue Kong Kam against the City and County of San Francisco for $102,327.06; the lawsuit was filed on June 19, 2008, in San Francisco Superior Court, Case No. 476-544; entitled Yue Kong Kam, et al. v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 197-09

FINALLY PASSED

090899 **[Settlement of Lawsuits - United States of America - $7,000,000]**

Ordinance authorizing settlement of the two lawsuits filed by the United States of America against the City and County of San Francisco for $7,000,000; the two lawsuits were filed on August 22, 2005, and September 6, 2007, in the United States District Court for the Eastern District of California, Case No. 2:05 CV 01693 entitled United States of America v. City and County of San Francisco, et al. and Case No. 1:07 CV 01300 entitled United States of America v. City and County of San Francisco, et al. and appropriating $7,000,000 of fund balance from the Hetch Hetchy Fund for this purpose. (City Attorney)

Enacted Number: 200-09

FINALLY PASSED

090120 **[Appointments, Community Oversight Committee Regarding Enforcement of Marijuana Offenses - Gregory Ledbetter, Catherine Smith and Michael Barbitta]**

Motion appointing Gregory Ledbetter, Catherine Smith and Michael Barbitta, terms ending January 1, 2011, to the Community Oversight Committee Regarding Enforcement of Marijuana Offenses.

Gregory Ledbetter, seat 1, succeeding Mira Ingram, term expired, must be a medical cannabis patient, for the unexpired portion of a two-year term ending January 1, 2011. Catherine Smith, seat 3, succeeding herself, term expired, must be representative of a medical cannabis dispensary operating in San Francisco, for the unexpired portion of a two-year term ending January 1, 2011. Michael Barbitta, seat 5, succeeding Patt Denning, resigned, must be a harm reduction practitioner, for the unexpired portion of a two-year term ending January 1, 2011.

Enacted Number: M09-142

APPROVED

090953 **[Appointments, Commission of Animal and Welfare - Philip Gerrie, Pam Hemphill, Sally Stephens and Andrea Brooks]**

Motion appointing Philip Gerrie, Pam Hemphill, Sally Stephens and Andrea Brooks, terms ending April 30, 2011, to the Commission of Animal Control and Welfare.

Philip Gerrie, seat 3, succeeding himself, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2011. Pam Hemphill, seat 4, succeeding herself, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2011. Sally Stephens, seat 5, succeeding herself, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2011. Andrea Brooks, seat 6, succeeding herself, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2011.

Enacted Number: M09-143

APPROVED

090954 **[Appointments, Immigrant Rights Commission - Lorena Melgarejo, Felix Fuentes and Ana Perez]**

Motion appointing Lorena Melgarejo, Felix Fuentes and Ana Perez, residency requirement waived, terms ending June 6, 2011, to the Immigrant Rights Commission.

Lorena Melgarejo, seat 6, succeeding Rael Silva, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011. Felix Fuentes, seat 8, succeeding himself, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011. Ana Perez (residency requirement waived), seat 10, succeeding herself, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011.

Enacted Number: M09-144

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

REGULAR AGENDA

UNFINISHED BUSINESS

From the Land Use and Economic Development Committee Without Recommendation

090575 **[Hunters View - Street Vacation Order]**

Ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements, making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Enacted Number: 192-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Dufty

From the Rules Committee Without Recommendation

090895 **[Settlement of Lawsuit - Linda Caratti - $80,000]**

Ordinance authorizing settlement of the lawsuit filed by Linda Caratti against the City and County of San Francisco for $80,000; the lawsuit was filed on August 28, 2008, in San Francisco Superior Court, Case No. 479214; entitled Linda Caratti, v. City and County of San Francisco, et al.; other material terms of said settlement are that the City and San Francisco Zoological Society agree to a mutual release of claims for indemnification. (City Attorney)

Enacted Number: 198-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Dufty

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090964 **[Appropriating $194,279,046 to fund construction of the Public Utilities Commission's Headquarters Building at 525 Golden Gate Avenue for FY 2009-2010, and adopting environmental findings]** **Mayor, Supervisor Dufty**

Ordinance appropriating $194,279,046 including $167,670,000 in Certificates of Participation and $26,609,046 in Hetch Hetchy unappropriated fund balance to fund construction of the new Public Utilities Commission headquarters building at 525 Golden Gate Avenue for the Public Utilities Commission in Fiscal Year 2009-2010 and placing $167,670,000 on Controller's reserve pending the sale of Certificates of Participation, and adopting environmental findings.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090985 **[Setting San Francisco FY 2009-2010 property tax rate and establishing a pass-through rate for residential tenants]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2010.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090986 **[Setting San Francisco Community College District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2010.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090987 **[Setting San Francisco Unified School District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2010.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090988 **[Setting San Francisco Bay Area Rapid Transit District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2010.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090918 **[Grant and Cooperative Agreement with Metropolitan Transportation Commission not to exceed $29,150,000]**

Resolution authorizing the San Francisco Municipal Transportation Agency to enter into a Grant and Cooperative Agreement with the Metropolitan Transportation Commission to procure, through existing TransLinkr contracts, new SFMTA TransLinkr-only fare collection equipment and related support services, for an amount not to exceed $29,150,000, to help complete the rollout of the regional TransLinkr smartcard system. (Municipal Transportation Agency)

(Fiscal Impact.)

Enacted Number: 355-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090965 **[Certificates of Participation for 525 Golden Gate Avenue]** **Mayor, Supervisor Dufty**

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the issuance of City and County of San Francisco Certificates of Participation and authorizing the preparation, execution and delivery of a final official statement; delegating to the Director of Public Finance the authority to sell the certificates by either a competitive or negotiated sale; authorizing the reimbursement of prior expenditures; ratifying the approvals and terms and conditions of a previous resolution; and related matters.

Enacted Number: 356-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090907 **[Contract to rehabilitate 16 Presidential Conference Committee historic streetcars]** **Supervisor Chiu**

Resolution authorizing the Municipal Transportation Agency to enter into a contract with Brookville Equipment Corporation to rehabilitate 16 Presidential Conference Committee historic streetcars for an amount not to exceed $18,712,576 and a term not to exceed five years.

(Fiscal Impact.)

Supervisor Avalos indicated amendments to the contract included in File No. 090907.

Enacted Number: 357-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090969 **[Lease purchase financing for the acquisition of replacement emergency back-up electric generators for San Francisco General Hospital not to exceed $25,000,000]** **Mayor**

Resolution authorizing the Executive Administrator of the San Francisco General Hospital to obtain lease purchase financing in an amount not to exceed $25,000,000 for the acquisition of replacement emergency back-up electric generators for San Francisco General Hospital; approving the form of a lease purchase financing agreement between San Francisco General Hospital and a lender named therein, and approving and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

Enacted Number: 360-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090994 **[Certificates of Participation for multiple capital improvement projects]** **Mayor**

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the execution and delivery of City and County of San Francisco Certificates of Participation and authorizing the preparation, execution and delivery of a final official statement; delegating to the Director of Public Finance the authority to sell the certificates by either a competitive or negotiated sale; ratifying the approvals and terms and conditions of a previous resolution; declaring the official intent of the City and County of San Francisco to reimburse itself from the proceeds of future bonded indebtedness for purposes of complying with the Internal Revenue Code of 1986, as amended; and related matters.

Enacted Number: 342-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

Recommendation of the City Operations and Neighborhood Services Committee

090940 **[Jewish Home of San Francisco Psychiatric Facilities - Designation Agreement]** **Mayor, Supervisors Dufty, Mirkarimi**

Resolution designating Jewish Home of San Francisco as an Evaluation and Treatment Facility for individuals 75 years and older, and authorizing the Director for Community Behaviorial Health Services to enter into a Designation Agreement with said facility

Supervisor Mirkorimi requested to be added as a co-sponsor.

Enacted Number: 359-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

From the City Operations and Neighborhood Services Committee Without Recommendation

090888 **[Calling on San Francisco Municipal Transportation Agency to calm traffic on Addison Street]** **Supervisor Dufty**

Resolution calling on the San Francisco Municipal Transportation Agency to install speed humps or speed cushions on Addison Street.

Continued to September 15, 2009.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

Recommendations of the Land Use and Economic Development Committee

090933 **[Unpermitted Subsidewalk Encroachment into Public Right-of-Way]** **Supervisors Chiu, Elsbernd**

Ordinance amending Article 15 of the San Francisco Public Works Code by adding Section 723.3, establishing that an unpermitted subsidewalk encroachment into the public right-of-way along the Central Subway Corridor constitutes a public nuisance.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090934 **[Public Works Code - Appellate body for minor sidewalk encroachments]** **Supervisors Chiu, Elsbernd**

Ordinance amending Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits for subsidewalk encroachments from the Board of Appeals to the Board of Supervisors.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

Supervisor Daly Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Chu, moved to excuse Supervisor Daly from voting on File No. 090866. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Daly, Dufty

090866 **[Traffic Regulation - Closure of McCoppin Street west of Valencia Street to vehicular traffic]** **Supervisor Mirkarimi**

Resolution closing McCoppin Street west of Valencia Street to vehicular traffic; adopting findings, including environmental and findings of consistency with the City's General Plan and priority policies of Planning Code Section 101.1; and authorizing official acts in connection with the street closure.

Enacted Number: 353-09

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Daly, Dufty

Recommendation of the Rules Committee

Supervisor Mar Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to excuse Supervisor Mar from voting on File No. 090952. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Dufty, Mar

090952 **[Appointment, California State Association of Counties - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar, term ending November 28, 2009, to the California State Association of Counties.

Supervisor Eric Mar, seat 1, succeeding Jake McGoldrick, term expired, must be a Member of the Board of Supervisors, for the unexpired portion of a one-year term ending November 28, 2009.

Enacted Number: M09-145

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Dufty, Mar

091022 **[Appointment, Immigrants Rights Commission - Toye Moses]**

Motion appointing Toye Moses, term ending June 6, 2011, to the Immigrant Rights Commission.

Toye Moses, seat 11, succeeding himself, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have demonstrated knowledge of and interest in health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011. (Supervisor Daly dissented in Committee.)

Enacted Number: M09-146

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Dufty

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

Supervisor Mirkarimi introduced, welcomed, and presented Certificates of Honor to the 'SF Rebels' basketball team in recognition of their abilities, skills and talents as follows:

Players: Darryl Cooper, Teandre Hubbard, Deend Parker, Demaree Hampton, Arthur Fodor, Wesley Hanspard, Vincent Bastidas, Ivan Dorsey, Garrett Moon, Byron Jones, Kevin Brown, Stephen Powell, Gione Edwards, Kemari Mitchell, Jeremy Jetton, Adam Del Castillo, Jamarea Biggins, Patrick Dungo, Muawattia Mabrey, Gary Moore, Kyani Harris, Galen Hall, Lavander Moore, and Hamp Banks.

Coaches: Nate Ford, Deon Otis, Randy Besslo, Guy Hudson, and Howard Smith.

President Chiu, on behalf of the Board of Supervisors, recognized the Mayor's Budget Director, Nani Coloretti, for her service to the City and County of San Francisco and wished her well upon her departure to become the Deputy Assistant Secretary to the U.S. Treasurer.

SPECIAL ORDER 4:00 P.M.

090875 **[Public Hearing - Conditional Use Appeal for 1960-1998 Market Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17894 dated June 4, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2006.1431ECV), pursuant to Planning Code Sections 121.1, 228, 303, and 731.11 to allow the demolition of a service station and the development of a mixed use building (with up to 115 residential units over ground-floor commercial space and partially subterranean garage for 69 independently accessible off-street parking spaces: 58 - residential; 5 - commercial; and 6 - car-share) on a development lot over 9,999 square feet within the Market & Octavia Plan Area, an NCT-3 (Neighborhood Commercial, Moderate Scale, Transit) District and an 85-X Height and Bulk District, on property located at 1960-1998 Market Street, Lot Nos. 005, 006, & 007 in Assessor's Block 0872. (Appellant: Stephen M. Williams,

(Filed 7/6/09; Companion measure to Files 090923, 090924, 090925; District 8.)

The President inquired as to whether any member of the public wished to address the Board relating to the continuance. Melissa Am Cassandra; spoke expressing various concerns. There were no other speakers. The President declared public comment relating to the continuance closed.

Continued to September 15, 2009.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090923 **[Approving Planning Commission decision related to Conditional Use Appeal for 1960-1998 Market Street]**

Motion approving decision of the Planning Commission by its Motion No. 17894, approving Conditional Use Application 2006.1431ECV on property located at 1960-1998 Market Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090924 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 1960-1998 Market Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 17894, approving Conditional Use Application 2006.1431ECV on property located at 1960-1998 Market Street. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090925 **[Preparation of findings related to the Conditional Use Appeal for 1960-1998 Market Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.1431ECV on property located at 1960-1998 Market Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.

Abdullah Megaheed; expressed various concerns in Arabic and English.

Male Speaker; expressed various concerns.

Richard McRee; expressed concerns relating to technology, inventions and patents.

Female Speaker; expressed support for the Mexican Museum project.

Male Speaker; expressed support for the Mexican Museum project.

Neil Lawrence; expressed concerns relating to SFMTA and cancelled meetings.

Walter Paulson; shared in song certain concerns with the Board.

Sam Priest; expressed support for the Mexican Museum project.

Deanna Oliva; expressed support for the Mexican Museum project.

Angela Chan; expressed support for youth immigration legislation.

Nancy Cross; expressed concerns relating to law libraries.

Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.

Victor Marquez; expressed support for the Mexican Museum project.

Nora Wagner; expressed support for the Mexican Museum project.

Steven Carrera; expressed support for the Mexican Museum project.

Nicki Solis; expressed support for the Mexican Museum project.

Ron Stickle; expressed support for youth immigration legislation.

Male Speaker; expressed various religious concerns.

Edmond Juicy; expressed various concerns.

Cathy Williams; expressed support for youth immigration legislation.

Barbara Lopez; expressed support for youth immigration legislation.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091017 **[Supporting the Children's Defense Fund Health Coverage for All Children Campaign]** **Supervisor Alioto-Pier**

Resolution supporting the Children's Defense Fund's Health Coverage for All Children Campaign.

Enacted Number: 358-09

ADOPTED

091018 **[FY 2009-2010 California Constitution Appropriations Limit]** **Supervisor Avalos**

Resolution establishing the appropriations limit for FY 2009-2010 pursuant to California Constitution Article XIII B.

Enacted Number: 361-09

ADOPTED

091019 **[Reaffirming the Board of Supervisors' support for the expeditious completion of the Mexican Museum Project at the Yerba Buena Garden site]** **Supervisors Campos, Alioto-Pier, Avalos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi**

Resolution reaffirming the Board of Supervisors' support for the Mexican Museum project, and calling upon all parties, including the San Francisco Redevelopment Agency, Millennium Partners, the San Francisco Arts Commission, and Fort Mason to support the expeditious completion of the project, including helping the Mexican Museum retain its lease with Fort Mason concurrent with and through the development, construction and actualization of the Mexican Museum project at the Yerba Buena Garden site.

Enacted Number: 354-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

IMPERATIVE AGENDA

There were none.

OFF-AGENDA LEGISLATION

Ordinances

091029 **[Appropriating $2,800,000 for Healthy Kids from State Children's Health Insurance Program revenues and General Fund Reserve for the Public Health Department for FY 2009-2010]** **Supervisor Alioto-Pier**

Ordinance appropriating $2,800,000, including $1,810,000 from State Children's Health Insurance Program revenues and $990,000 from the General Fund Reserve, to fund the San Francisco Healthy Kids Program in the Department of Public Health for FY 2009-2010.

(Fiscal Impact.)

8/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091030 **[Planning - Formula retail uses - requiring appointment of community liaisons]** **Supervisor Alioto-Pier**

Ordinance amending Planning Code Section 303(i) to require applicants for new formula retail uses to appoint community liaisons to respond to community concerns during construction and store operation.

8/18/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/17/2009.

091031 **[Police Department Command Staff]** **Supervisors Campos, Alioto-Pier, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi**

Ordinance amending the Administrative Code to authorize the Chief of Police to select for appointment to non-civil service ranks above the rank of Captain any sworn law enforcement officer with supervisory experience, either with the San Francisco Police Department or with any local, state or federal agency that employs sworn law enforcement officers.

8/18/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/17/2009.

091032 **[Confidentiality of juveniles' immigration status]** **Supervisors Campos, Avalos, Chiu, Dufty, Mar, Maxwell, Mirkarimi, Daly**

Ordinance amending the San Francisco Administrative Code by amending Sections 12H.2, 12H.2-1, and 12H.3 to allow City law enforcement officers and employees to report information regarding the immigration status of a juvenile to any state or federal agency when the juvenile has been adjudicated to be a ward of the court on the ground of felony conduct, the court makes a finding of probable cause after the District Attorney directly files felony criminal charges against the minor, or the juvenile court determines that the minor is unfit to be tried in juvenile court and the superior court makes a finding of probable cause; and to update references to the federal agency responsible for enforcing federal immigration laws.

8/18/09, ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 9/17/2009.

091033 **[Building Code - Unsafe building, printing, and reproduction fees]** **Mayor**

Ordinance amending the Building Code Section 102A.3 to assess a monthly monitoring fee for specified unsafe buildings; Table 1A-D concerning inspector fees; Table 1A-K concerning violation monitoring fees; and Table 1A-L concerning printing and document reproduction fees; and adopting environmental findings.

8/18/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 9/17/2009.

091036 **[Zoning - Third Street and Le Conte Avenue Affordable Housing Special Use District]** **Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to establish the Third Street and Le Conte Avenue Affordable Housing Special Use District for property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith Street; amending Sheet SU10 of the Zoning Map of the City and County of San Francisco, to reflect this new Special Use District, and adopting findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

8/18/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/17/2009.

091038 **[Planning Code - Demolition and Replacement of Sound Housing]** **Supervisors Mirkarimi, Avalos, Daly, Mar, Campos**

Ordinance amending the Planning Code by amending Section 317 to require the Planning Commission make certain findings when approving demolition of Residential Buildings that require Mandatory Discretionary Review and to require replacement of sound housing with units of like affordability; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

8/18/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/17/2009.

091037 **[Settlement of Lawsuit and Disputes and Agreement to Close the Potrero Power Plant - $1,100,000]** **Supervisors Maxwell, Chiu, Alioto-Pier**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Mirant Potrero L.L.C. on April 27, 2009, in San Francisco Superior Court, Case No, CGC 09-487-795; entitled City and County of San Francisco, et al., v. Mirant Potrero L.L.C., which settlement provides for, among other things, permanent closure of the entire Potrero Power Plant when it is no longer needed for electric reliability, payment by Mirant of $1,100,000 to the City, the City's agreement to stay enforcement of the UMB Ordinance for the unoccupied unreinforced masonry buildings located at the Potrero Power Plant site pending a new site reuse plan so long as Mirant maintains the buildings in a safe manner, Mirant's agreement to restrict future uses of the site to prohibit fossil fuel generation after the Plant is shut down, and the City's agreement to priority processing of a future application for entitlements for a proposed site reuse plan.

8/18/09, RECEIVED AND ASSIGNED to Rules Committee.

091039 **[Prohibiting onychectomy (declawing) and tendonectomy procedures on cats]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Health Code by adding Section 45 to prohibit onychectomy (declawing) and tendonectomy procedures on cats except when necessary for a therapeutic purpose.

8/18/09, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 9/17/2009.

Resolutions

091035 **[Accept and Expend Federal Grant Funds - Airport - $11,000,000]** **Mayor, Supervisor Elsbernd**

Resolution authorizing the Airport to accept and expend a grant in the amount of $11,000,000 from the Federal Aviation Administration for additional American Recovery and Reinvestment Act funds to enhance airfield safety projects.

8/18/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091040 **[Chinese Exclusion Act of 1882]** **Mayor, Supervisors Chiu, Chu, Mar, Dufty, Alioto-Pier, Campos, Avalos, Daly, Elsbernd, Maxwell, Mirkarimi**

Resolution acknowledging the regrettable role that San Francisco has played in advancing the policies of the Chinese Exclusion Act of 1882, the first federal law to discriminate against a specific group solely on the basis of race or nationality, and celebrating the significant contributions of the Chinese-American community.

8/18/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091041 **[Need for multilingual 2010 Census advance letter]** **Supervisors Chiu, Campos**

Resolution calling for an inclusive and multilingual advance letter in the 2010 Census.

8/18/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091042 **[Accept and Expend State Grants - Department of Public Health - $11,855.40]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively three grants totaling $11,855.40, from the California Department of Food and Agriculture; for the period of July 1, 2009, through June 30, 2010.

8/18/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091043 **[Accept and Expend Grant - Department of Public Health - $15,055]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $15,055 from the Public Health Foundation Enterprises, to support a research project entitled "Viral Load Study;" for the period of April 1, 2009, through March 31, 2010.

8/18/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091044 **[Supporting the passage of the Senate Constitutional Amendment 21]** **Supervisor Campos**

Resolution supporting the passage of Senate Constitutional Amendment 21 relating to the autonomy of the University of California.

8/18/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091045 **[Requesting suspension of conversion of natural fields to artificial surfaces - Recreation and Park Department]** **Supervisor Mirkarimi**

Resolution requesting that the Recreation and Park Department temporarily suspend the program of converting natural turf playing fields to artificial surfaces pending release of a report by the California Office of Environmental Health Hazard Assessment on the health and environmental impacts of synthetic turf fields.

8/18/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 09/04/09 - Referred to the Youth Commission.

091046 **[Requesting Caltrans to participate in San Francisco Workforce Development Programs]** **Supervisors Mirkarimi, Campos**

Resolution requesting Caltrans and its contractors and subcontractors to actively participate in San Francisco Workforce Development Programs when hiring for projects to be constructed within the City and County of San Francisco.

8/19/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion

091034 **[Extending the term of the Joint City and School District Committee for one year]** **Supervisor Elsbernd**

Motion amending Rule 5.7 of the Board of Supervisors' Rules of Order to extend the term of the Joint City and School District Select Committee for one year.

8/18/09, RECEIVED AND ASSIGNED to Rules Committee

Hearing

091028 **[San Francisco Police Department's intervention system implementation]** **Supervisor Campos**

Hearing to discuss the status of the San Francisco Police Department's implementation of its early intervention system

8/18/09, RECEIVED AND ASSIGNED to Public Safety Committee.

PROPOSED ORDINANCES

091008 **[Settlement of Grievance - Elina Sulimov - $130,000]**

Ordinance authorizing settlement of the lawsuit filed by Elina Sulimov against the City and County of San Francisco for $130,000; the lawsuit was filed on December 26, 2008, Case No. 478007; entitled Elina Sulimov, v. City and County of San Francisco. (City Attorney)

8/7/09, RECEIVED AND ASSIGNED to Rules Committee.

091020 **[Discretionary Review - Planning Department Fees]**

Ordinance amending the San Francisco Planning Code by amending Section 311 and 312 to provide that a request for discretionary review will be heard by the Planning Commission or its designee if the application demonstrates exceptional and ordinary circumstances as defined, to replace the term Residential Design Guidelines with the term Residential Design Standards, and to repeal the ability of a project sponsor to request discretionary review; amending Sections 352 and 355 to allow for collection and refund of fees associated with Planning Department Reconsideration; adopting environmental and Section 302 findings. (Planning Department)

8/12/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/11/2009.

PROPOSED RESOLUTIONS

090955 **[Settlement of Administrative Enforcement Action]**

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of $115,000.

8/4/09, RECEIVED AND ASSIGNED to Rules Committee.

090981 **[Street Encroachment at 1230-1240 Twin Peaks Boulevard]**

Resolution granting revocable permission to Michael Chung to occupy, excavate and regrade an existing unimproved portion of the public right-of-way to construct and maintain private concrete driveways with retaining walls, walkways and steps with accommodations for drainage and new landscaping to provide pedestrian and vehicular access to two (2) new single family dwellings at 1230-1240 Twin Peaks Boulevard (Block 2821, Lots 022 & 021), conditioned upon the payment of an annual assessment fee, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

8/6/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091005 **[Settlement of Unlitigated Claim - Rajitha Sangha - $30,000]**

Resolution approving the settlement of unlitigated claim of Rajitha Sangha against the City and County of San Francisco for $30,000, claim was filed on July 7, 2008. (City Attorney)

8/7/09, RECEIVED AND ASSIGNED to Rules Committee.

091006 **[Settlement of Unlitigated Claim - Ferry Building Associates - $107,798.50]**

Resolution approving the settlement of the unlitigated claim filed by Ferry Building Associates against the City and County of San Francisco for $107,798.50; claim was filed on January 26, 2009. (City Attorney)

8/7/09, RECEIVED AND ASSIGNED to Rules Committee.

091007 **[Airport Concession Lease]**

Resolution approving the Terminal 3 Concourse Specialty Store Lease to Air Sun, a joint venture between Sunglass Hut Trading, LLC and Corliss Stone-Littles, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

8/10/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091009 **[Settlement of Unlitigated Claim - Rose Dennis - $90,670.20]**

Resolution approving settlement of the unlitigated claim submitted by Rose Dennis against the City and County of San Francisco for $90,670.20; claim was submitted on April 2, 2009. (City Attorney)

8/7/09, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: To draft amendments to the Planning Code to extend requirements for creating active, attractive, and pedestrian-oriented ground-floor street frontages for new and renovated buildings currently contemplated in NC-T zonings to all NC districts as well as commercial (C), and residential-commercial combined (RC) districts, which are dense, mixed-use, and transit-oriented.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of repairing potholes on Eddy Street between Pierce and Steiner, north side, road uneven and potholes.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of removing graffiti from the following locations:

Garbage Cans

Southeast corner of Eddy and Gough

Northwest corner of Baker and Fell

Northeast corner of Cole and Haight

Southeast corner of Buena Vista West and Haight

Northwest corner of Grove and Fillmore

Mailboxes

Southeast corner of Golden Gate and Scott

Southeast corner of Buchanan and Hayes

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of removing graffiti from utility poles from the following locations:

Metal Poles

Northeast corner of Eddy and Fillmore

Northeast corner of Grove and Gough

Wood Poles

In front of 477 Grove

In front of 500 Fillmore

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of removing graffiti from the public property located at the following locations:

Utility Boxes

Southwest corner of Turk and

In Memoriams

Burl A. Toler, Sr. - Entire Board

Markley Edward LaPointe - Supervisors Chiu and Elsbernd

Lita Quario - Supervisor Daly

Kenneth R. Shimmons - Supervisor Dufty

Daithi Donnelly - Supervisor Elsbernd

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:11 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 22, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.)

3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.
AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a [illegible] Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.
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Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
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Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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September 15, 2009

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MEETING MINUTES
Tuesday, September 15, 2009
2:00 PM
City Hall, Legislative Chamber, Room 250
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*None.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of August 4, 2009, and August 11, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090964 **[Appropriating $194,279,046 to fund construction of the Public Utilities Commission's Headquarters Building at 525 Golden Gate Avenue for FY 2009-2010, and adopting environmental findings]** **Mayor, Supervisor Dufty**

Ordinance appropriating $194,279,046 including $167,670,000 in Certificates of Participation and $26,609,046 in Hetch Hetchy unappropriated fund balance to fund construction of the new Public Utilities Commission headquarters building at 525 Golden Gate Avenue for the Public Utilities Commission in Fiscal Year 2009-2010 and placing $167,670,000 on Controller's reserve pending the sale of Certificates of Participation, and adopting environmental findings.

(Fiscal Impact.)

Enacted Number: 211-09
FINALLY PASSED

090985 **[Setting San Francisco FY 2009-2010 property tax rate and establishing a pass-through rate for residential tenants]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2010.

Enacted Number: 204-09

FINALLY PASSED

090986 **[Setting San Francisco Community College District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2010.

Enacted Number: 205-09

FINALLY PASSED

090987 **[Setting San Francisco Unified School District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2010.

Enacted Number: 206-09

FINALLY PASSED

090988 **[Setting San Francisco Bay Area Rapid Transit District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]** **Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2010.

Enacted Number: 207-09

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

090933 **[Unpermitted Subsidewalk Encroachment into Public Right-of-Way]** **Supervisors Chiu, Elsbernd**

Ordinance amending Article 15 of the San Francisco Public Works Code by adding Section 723.3, establishing that an unpermitted subsidewalk encroachment into the public right-of-way along the Central Subway Corridor constitutes a public nuisance.

Enacted Number: 210-09

FINALLY PASSED

090934 **[Public Works Code - Appellate body for minor sidewalk encroachments]** **Supervisors Chiu, Elsbernd**

Ordinance amending Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits for subsidewalk encroachments from the Board of Appeals to the Board of Supervisors.

Enacted Number: 209-09

FINALLY PASSED

Recommendation of the Rules Committee

090219 **[Amendment to post-employment restrictions]** **Supervisor Elsbernd**

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to extend the one-year restriction on communicating with one's former department to employees and officers who have transferred departments within the City, and to provide that an employee or officer may not be employed by a party to a City contract within one year after the contract date if the employee or officer participated personally and substantially in the award of the contract.

Enacted Number: 208-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the City Operations and Neighborhood Services Committee Without Recommendation

090888 **[Calling on San Francisco Municipal Transportation Agency to calm traffic on Addison Street]** **Supervisor Dufty**

Resolution calling on the San Francisco Municipal Transportation Agency to install speed humps or speed cushions on Addison Street

Privilege of the floor was granted to Judson True (MTA) who spoke providing details relating to traffic calming alternatives. It was further ordered that this matter be heard within two months.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Resolution be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Board of Supervisors Sitting as a Committee of the Whole

See File No. 091087 below.

091081 **[Committee of the Whole - Mayor's Notice of Appointments of Barbara Sklar and Astrid Haryati to the Arts Commission]**

Hearing to consider the motions to approve or reject the Mayor's appointments of Barbara Sklar, term ending July 1, 2011, and Astrid Haryati, term ending on January 15, 2010, to the Arts Commission.

The President inquired as to whether any member of the public wished to address the Board relating to the Mayor's appointments referenced in File Nos. 091061, 091062, 091063, 091064. Jill Manton (Arts Commission) spoke in support of both applicants. Francisco Da Costa spoke relating to timing of appointments. James Chaffee spoke expressing concerns relating to past appointments. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

091061 **[Appointment, Arts Commission - Barbara Sklar]**

Motion approving the Mayor's appointment of Barbara Sklar to the Arts Commission, for the term ending July 1, 2011.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - August 21, 2009.)

Enacted Number: M09-147

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Avalos, Daly, Mar, Mirkarimi

091062 **[Appointment, Arts Commission - Barbara Sklar]**

Motion rejecting the Mayor's appointment of Barbara Sklar to the Arts Commission, for the term ending July 1, 2011.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - August 21, 2009.)

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Avalos, Daly, Mar, Mirkarimi

091063 **[Appointment, Arts Commission - Astrid Haryati]**

Motion approving the Mayor's appointment of Astrid Haryati to the Arts Commission, for the term ending January 15, 2010

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - August 21, 2009.)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

091064 **[Appointment, Arts Commission - Astrid Haryati]**

Motion rejecting the Mayor's appointment of Astrid Haryati to the Arts Commission, for the term ending January 15, 2010.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - August 21, 2009.)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

090871 **[Public Hearing - Appeal of Mitigated Negative Declaration - 1960-1998 Market Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion 17865, adopted April 16, 2009, affirming the decision of the Planning Department to issue a Mitigated Negative Declaration (Planning Case No. 2006.1431E) for the proposed development at 1960-1998 Market Street. The proposed project would demolish a service station and develop a mixed use building with up to 115 residential units over ground-floor commercial space and a partially subterranean garage with 69 parking spaces, located in the Market & Octavia Plan area, Assessors Block 0872, Lots 005-007. (Appellant: Tanya Gulesserian on behalf of the San Francisco Building and Construction Trades Council)

(Filed July 6, 2009; Companion measure to 090872, 090873, 090874; District 5.)

The President inquired as to whether any member of the public wished to address the Board. Tanya Gulesserian (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Michael Theriault; John O'Rourke; Joel Koppel; Tony Rodriguez; John Huang; John; Ian Louis; Raymond Rivera; Margo Cristein; Steve Williams; Male Speaker; David Ruper; William Mascone; Ruben Hanna; Male Speaker; Georgie Faye; Mark Soleman; spoke in support of the appeal. Sarah Jones and Debra Dwyer (Planning Department) and Stephanie Cushing (Publlic Health Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Brian Spiers (Project Sponsor) and David Sagada (Project Attorney) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Tim Cole; Chris Foley; Jim Ryan; Joe Casey; Laurence Power; Derek Spanks; Vic Hundahl; Colin Yasukochi Miles Garber; Josh Nancick; spoke in support of the project and in opposition to the appeal. Tanya Gulesserian (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090872 **[Affirming adoption of the mitigated negative declaration for 1960-1998 Market Street]**

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street. (Clerk of the Board)

Enacted Number: M09-148

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090873 **[Reversing adoption of the mitigated negative declaration for 1960-1998 Market Street]**

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090874 **[Preparation of findings to reverse adoption of the mitigated negative declaration for 1960-1998 Market Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street.

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

090875 **[Public Hearing - Conditional Use Appeal for 1960-1998 Market Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17894 dated June [illegible], 2009 relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2006.1431ECV), pursuant to Planning Code Sections 121.1, 228, 303, and 731.11 to allow the demolition of a service station and the development of a mixed use building (with up to 115 residential units over ground-floor commercial space and partially subterranean garage for 69 independently accessible off-street parking spaces: 58 - residential; 5 - commercial; and 6 - car-share) on a development lot over 9,999 square feet within the Market & Octavia Plan Area, an NCT-3 (Neighborhood Commercial, Moderate Scale, Transit) District and an 85-X Height and Bulk District, on property located at 1960-1998 Market Street, Lot Nos. 005, 006, & 007 in Assessor's Block 0872. (Appellant: Stephen M. Williams)

(Filed 7/6/09; Companion measure to Files 090923, 090924, 090925; District 8.)

The President inquired as to whether any member of the public wished to address the Board. Steve Williams (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. David Ruper; William Mascone; Francis Lonnie; Georgie Faye; Judy Watson; Ruben Hanna; Maria Villareal, spoke in support of the appeal. Lorry Badiner, AnMarie Rodgers, and Jonas Ionin (Planning Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Brian Spiers (Project Sponsor) and David Sagada (Project Attorney) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Male Speaker; Kevin Chang; Derek Spanks; Colin Yasukochi; Josh Nancick; Eurick Geigen; Bob Noelke; Tim Cole; Luke O'Brien; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090923 **[Approving Planning Commission decision related to Conditional Use Appeal for 1960-1998 Market Street]**

Motion approving decision of the Planning Commission by its Motion No. 17894, approving Conditional Use Application 2006.1431ECV on property located at 1960-1998 Market Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Enacted Number: M09-149

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

090924 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 1960-1998 Market Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 17894, approving Conditional Use Application 2006.1431ECV on property located at 1960-1998 Market Street. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

090925 **[Preparation of findings related to the Conditional Use Appeal for 1960-1998 Market Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.1431ECV on property located at 1960-1998 Market Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

COMMITTEE REPORT

Recommendation from the City Operations and Neighborhood Services Committee

091035 **[Accept and Expend Federal Grant Funds - Airport - $11,000,000]** **Mayor, Supervisor Elsbernd**

Resolution authorizing the Airport to accept and expend a grant in the amount of $11,000,000 from the Federal Aviation Administration for additional American Recovery and Reinvestment Act funds to enhance airfield safety projects.

Enacted Number: 362-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.

James Chaffee; expressed concerns relating to the SF Public Library.

Male Speaker; expressed various concerns.

Richard McRee; expressed concerns relating to technology, inventions and patents.

Christopher Mohammad; expressed concerns relating to the poor and disenfranchised.

Alex; expressed concerns relating to Bayview Hunter's Point.

Male Speaker; expressed concerns relating to language and culture adjustments.

Dr. Ahimsa Porter Sumchai; expressed concerns relating to Bayview Hunter's Point.

Leon Mohammad; expressed concerns relating to Bayview Hunter's Point.

Daniel Landry; expressed concerns relating to de-population of African-Americans.

Female Speaker; expressed various concerns.

Francisco Da Costa; expressed concerns relating to law enforcement.

Jarrod Brown; expressed concerns relating to Bayview Hunter's Point.

Doreen Harrison; expressed concerns relating to Bayview Hunter's Point.

Emily Lee; expressed concerns relating to Bayview Hunter's Point.

Female Speaker; expressed concerns relating to lay-offs.

Male Speaker; expressed concerns relating to artificial turf.

Male Speaker; expressed concerns relating to artificial turf.

Mia Grand; expressed concerns relating to artificial turf.

Edward Pertcheck; expressed concerns relating to artificial turf.

Raul Delarosa; expressed concerns relating to Bayview Hunter's Point.

Brent Manuel; expressed concerns relating to crime and punishment.

Rudy Corpus; expressed concerns relating to closure of recreational centers.

Rudy Corpus III; expressed concerns relating to recreation fees.

Male Speaker; expressed concerns relating to recreation fees.

Terrence Hopkins; expressed concerns relating to health impact studies.

Sue Lee; expressed concerns

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091041 **[Need for multilingual 2010 Census advance letter]** **Supervisors Chiu, Campos**

Resolution calling for an inclusive and multilingual advance letter in the 2010 Census.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 364-09

ADOPTED

091042 **[Accept and Expend State Grants - Department of Public Health - $11,855.40]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively three grants totaling $11,855.40, from the California Department of Food and Agriculture; for the period of July 1, 2009, through June 30, 2010.

Enacted Number: 365-09

ADOPTED

091043 **[Accept and Expend Grant - Department of Public Health - $15,055]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $15,055 from the Public Health Foundation Enterprises, to support a research project entitled "Viral Load Study;" for the period of April 1, 2009, through March 31, 2010.

Enacted Number: 366-09

ADOPTED

091025 **[Final Map - 821-823 Taraval Street]**

Motion approving Final Map 5427, a six residential unit and one commercial unit mixed-use condominium project, located at 821-823 Taraval Street being a subdivision of Lot 031 in Assessors Block No. 2407 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,301; District 7.)

Enacted Number: M09-150

APPROVED

091026 **[Final Map - 1155-1177 Tennessee Street]**

Motion approving Final Map 5060, a seven unit residential and one unit commercial mixed-use condominium project, located at 1155-1177 Tennessee Street being Lots 041 and Lots 044, 045, 046 in Assessors Block No. 4172 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,321; District 10.)

Enacted Number: M09-151

APPROVED

091027 **[Final Map - 555 Bartlett Street; 3400-3428 Cesar Chavez Street]**

Motion approving Final Map 5234, a 3 lot airspace subdivision and a 58 residential unit, a 5 commercial unit and a 6[illegible] commercial unit mixed-use condominium project, located at 555 Bartlett Street, 3400-3428 Cesar Chavez Street, being a subdivision of Lot 00[illegible] in Assessors Block No. 6569 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,324; District 9.)

Enacted Number: M09-152

APPROVED

091047 **[Final Map 4654 - 1315-1327 7th Avenue]**

Motion approving Final Map 4654, an 11 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 1315-1327 7th Avenue being a subdivision of Lot 052 in Assessors Block No. 1762 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,050; District 5.)

Enacted Number: M09-153

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that this matter be severed so that it may be considered separately.

091087 **[Committee of the Whole - Mayor's Notice of Appointments of Barbara Sklar and Astrid Haryati to the Arts Commission]**

Motion scheduling the Board to sit as a Committee of the Whole to hear the Mayor's appointments of Barbara Sklar, term ending July 1, 2011, and Astrid Haryati, term ending on January 15, 2010, to the Arts Commission.

The President inquired as to whether any member of the public wished to address the Board relating to this matter. There were no speakers. The President declared public comment closed on this matter.

Enacted Number: M09-154

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

Supervisor Mar requested that this matter be severed so that it may be considered separately.

091040 **[Chinese Exclusion Act of 1882]** **Mayor, Supervisors Chiu, Chu, Mar, Dufty, Alioto-Pier, Campos, Avalos, Daly, Elsbernd, Maxwell, Mirkarimi**

Resolution acknowledging the regrettable role that San Francisco has played in advancing the policies of the Chinese Exclusion Act of 1882, the first federal law to discriminate against a specific group solely on the basis of race or nationality, and celebrating the significant contributions of the Chinese-American community.

The entire Board of Supervisors requested to be added as co-sponsors.

Supervisor Mar, seconded by Supervisor Chu, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar, seconded by Supervisor Chu, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty requested that this matter be severed so that it may be considered separately.

091044 **[Supporting the passage of the Senate Constitutional Amendment 21]** **Supervisor Campos**

Resolution supporting the passage of Senate Constitutional Amendment 21 relating to the autonomy of the University of California

REFERRED to the Rules Committee.

Supervisor Mirkarimi requested that these matters be severed so that they may be considered separately.

091045 **[Requesting suspension of conversion of natural fields to artificial surfaces - Recreation and Park Department]** **Supervisor Mirkarimi**

Resolution requesting that the Recreation and Park Department temporarily suspend the program of converting natural turf playing fields to artificial surfaces pending release of a report by the California Office of Environmental Health Hazard Assessment on the health and environmental impacts of synthetic turf fields.

REFERRED to the City Operations and Neighborhood Services Committee.

091046 **[Requesting Caltrans to participate in San Francisco Workforce Development Programs]** **Supervisors Mirkarimi, Campos**

Resolution requesting Caltrans and its contractors and subcontractors to actively participate in San Francisco Workforce Development Programs when hiring for projects to be constructed within the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 367-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

091113 **[Seismic strengthening of soft-story, wood-frame buildings]** **Mayor**

Ordinance finding a compelling public policy basis for expediting the processing and review of permits for voluntary seismic retrofit upgrades of soft-story, wood-frame buildings and amending the Planning Code, Building Code, Fire Code, and Public Works Code to waive permit processing fees for the proportionate share of work related to such seismic retrofit upgrades; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.

Economic Impact

9/15/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/15/2009. Referred to Small Business Commission for comment and recommendation. Referred to Planning Department for environmental review and Planning Commission for review and comment. Referred to the Building Commission for review and comment. Referred to Fire Department and Department of Public Works for informational purposes.

091015 **[Reimbursement to City for dignitary security provided during campaign-related travel by elected officials]** **Supervisors Mirkarimi, Campos, Avalos, Daly**

Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding Sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.

8/11/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/10/2009. Referred to the Ethics Commission for comment on August 17, 2009.

9/15/09, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing same title.

9/15/09, ASSIGNED to Rules Committee. Referred to the Ethics Commission for comment on September 21, 2009.

Resolutions

091106 **[Approval of a historical property contract for 1818 California Street ("Lilienthal-Orville Pratt House")]** **Supervisor Alioto-Pier**

Resolution under Chapter 71 of the San Francisco Administrative Code, approving a historical property contract between Nakamura FLP, the owner of 1818 California Street ("Lilienthal-Orville Pratt House"), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

9/15/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091109 **[American Recovery and Reinvestment Act of 2009 Project - Award of Contract for LRV Systems Overhaul - NTE $56,752,554]** **Supervisor Chiu**

Resolution authorizing the San Francisco Municipal Transportation Agency to enter into Contract No. APT 591-01, LRV Doors and Brakes Reconditioning and Systems Overhaul, with AnsaldoBreda Inc., in an amount not to exceed $56,752,554 and a term not to exceed five years.

9/15/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091110 **[American Recovery and Reinvestment Act of 2009 Project - Award of Contract for Motor Coach Rehabilitation - NTE $12,598,315]** **Supervisor Chiu**

Resolution authorizing the San Francisco Municipal Transportation Agency to enter into Contract No. APT 106-01, Motor Coach Component Life Cycle Rehabilitation Project, with Complete Coach Works, in an amount not to exceed $12,598,315 and a term not to exceed four years.

9/15/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091111 **[Support Assembly Bill 1019 - Alcohol-Related Services Act]** **Supervisor Dufty**

Resolution urging support of Assembly Bill 1019, the Alcohol-Related Services Act to deliver services to, and ensure the public health and safety of, the people of California supported by a reasonable and rational mitigation fee.

9/15/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091112 **[Finding of Fiscal Feasibility; Retention and Expansion of the San Francisco Wholesale Produce Market]** **Mayor, Supervisors Maxwell, Dufty, Mirkarimi, Mar**

Resolution adopting finding that the retention and expansion of the San Francisco Wholesale Produce Market are fiscally feasible pursuant to Administrative Code Chapter 29.

(Fiscal Impact.)

9/15/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

091114 **[Hunters Point Shipyard Cooperative Agreement for Fire and Medical Services]** **Mayor, Supervisor Maxwell**

Resolution authorizing the San Francisco Fire Department to enter a five-year Cooperative Agreement with the United States Navy to provide fire and emergency medical services to portions of the Hunters Point Shipyard remaining under federal ownership, and to accept and expend funds provided to the Fire Department by the Navy as reimbursement for services provided under that agreement.

9/15/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091115 **[Mortgage Revenue Bonds]** **Supervisor Daly**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $22,000,000 for Arlington Residence; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with California Debt Limit Allocations Committee procedures; authorizing the Director to certify to California Debt Limit Allocations Committee that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $22,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

9/15/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

091116 **[Accept and Expend Gift - Police Department - $40,000]** **Supervisor Dufty**

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend a gift in the amount of $40,000 from the Supporters of the San Francisco Police Department's Wilderness Adventure Youth Program, a non-profit organization [Internal Revenue Code 501(c)(3)], for the purchase of two new passenger vans to use on Youth Wilderness Trips.

9/15/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

091117 **[Encouraging Ed Stolz, the new owner of FM 92.7, to continue with the Lesbian Gay Bisexual Transgender radio format of Energy 92.7]** **Supervisor Dufty**

Resolution encouraging Ed Stolz, the new owner of radio station 92.7, to continue with the Community/Lesbian Gay Bisexual Transgender/Dance radio format that has made Energy 92.7 one of the most unique and popular radio stations in San Francisco and the Bay Area.

9/15/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

091096 **[Rental Subsidy Program for Low Income Families]** **Supervisor Avalos**

Hearing on the Rental Subsidy Program for Low Income Families, including an assessment of its funding streams and their stability, the program's effectiveness in supporting families, the demographics of participants and statistics on their progress in the program

9/15/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091097 **[Airport's budget, administration and outcomes for their employment and community programs]** **Supervisor Avalos**

Hearing to discuss the Airport's budget, administration and outcomes for their employment and community programs, including One Stop Center, Youth Works, San Francisco Career Connect, College Summer Intern Program, Project Assist and Management Intern Program.

9/15/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091098 [Navy's dissolution of the Restoration Advisory Committee] Supervisor Avalos

Hearing on the Navy's dissolution of the Restoration Advisory Committee and the need for community oversight on the Hunters Point Shipyard clean-up.

9/15/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091099 [Lennar Corporation financial status] Supervisor Avalos

Hearing on the financial status of Lennar Corporation and risks to San Francisco based on history of Lennar's liabilities elsewhere in the country.

9/15/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091100 [Proposed early transfer of the shipyard from the Navy to the City] Supervisor Avalos

Hearing on the proposed early transfer of the shipyard from the Navy to the City.

9/15/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091101 [Air quality assessment] Supervisor Avalos

Hearing on detailed records of air quality assessments gathered during grading and construction in the Bayview Hunters Point Shipyard redevelopment area, specifically Air Monitor HB12.

9/15/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091102 [Residential Marijuana Growing Operations] Supervisor Chu

Hearing on the illegal residential marijuana growing operations. Hearing will include discussion of recent increase in discoveries of illegal marijuana growing operations by San Francisco Police Department; public safety implications from these operations as considered by San Francisco Police Department and San Francisco Fire Department; District Attorney's Office reports on status and results of these arrests; Department of Public Health report on medical cannabis cards and statistics on card carriers by District.

9/15/09, RECEIVED AND ASSIGNED to Public Safety Committee.

091103 [Status of the Earthquake Safety and Emergency Response Bond proposed for the June 2010 ballot] Supervisor Elsbernd

Hearing on the status of the Earthquake Safety and Emergency Response Bond proposed for the June 2010 ballot, and, in particular, plans and projects related to the Auxiliary Water Supply System.

9/15/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091104 [Better Streets Plan] Supervisor Mar

Hearing on the Better Streets Plan.

9/15/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091105 [Hunters Point Naval Shipyard Restoration Advisory Board] Supervisor Maxwell

Hearing on the U.S. Navy's intention to replace the Restoration Advisory Board and plans for receiving additional community input regarding the ongoing clean-up of the Hunters Point Shipyard.

9/15/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Motions

091107 [Providing for additional public comment at committee meetings] Supervisor Alioto-Pier

Motion repealing and adding Rule 1.4 to provide additional opportunities for public comment at committee meetings.

9/15/09, RECEIVED AND ASSIGNED to Rules Committee.

091108 [Directing the Budget Analyst to identify the direct compensation and other benefits which are received by members of all Commissions of the City and County of San Francisco] Supervisor Avalos

Motion directing the Budget Analyst to conduct a review of the direct compensation and other benefits which are received by the members of all Commissions of the City and County of San Francisco.

9/15/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

091059 [Correction to the vacation of former Trenton Street]

Ordinance ordering the summary vacation of a portion of Trenton Street south of Jackson Street within Assessor's Block 0192; making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; establishing conditions to the effectiveness of the vacation; adopting environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Real Estate Department)

8/20/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/[illegible]

091070 **[Settlement of Lawsuit - Pat Moore/Tom Moore - $120,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore/Tom Moore against the City and County of San Francisco for $120,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930, entitled [illegible] Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

091071 **[Settlement of Lawsuit - James Cordova/Maria Morales - $35,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for $35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930, entitled [illegible] Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

091072 **[Settlement of Lawsuit - Mehrdad Alemozaffar - $385,000]**

Ordinance authorizing settlement of the lawsuit filed by Mehrdad Alemozaffar against the City and County of San Francisco for $385,000; the lawsuit was filed on July 20, 2007, in United States District Court, Northern District of California, Case No. C07-4494 JSW; entitled Mehrdad Alemozaffar, et al., v. City and County of San Francisco, et al. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

091073 **[Settlement of Unlitigated Claim - Patty Thomas - $52,250]**

Resolution approving the settlement of the unlitigated claim filed by Patty Thomas against San Francisco for $52,250; claim was filed on March 3, 2009. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091053 **[Approval of the cost extension application for HIV prevention projects]** **Supervisors Dufty, Campos**

Resolution authorizing the San Francisco Department of Public Health to submit a two-year application for calendar years 2010 and 2011, to continue to receive funding for the "HIV Prevention Projects" grant from the Centers for Disease Control and Prevention, in the total amount of approximately $16,000,000 in HIV prevention funding for San Francisco; from January 1, 2010, through December 31, 2011. (Public Health Department)

9/3/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Dufty requested to be added as sponsor.

091054 **[Approval of Department of Building Inspection contracts to provide plan review and field inspection services]**

Resolution approving four Department of Building Inspection interagency agreements to provide plan review and field inspection services to the Transbay Joint Powers Authority, the Treasure Island Development Authority, the Port, and the San Francisco Public Utilities Commission, respectively, per Charter Section 9.118(a). (Building Inspection Department)

(Fiscal Impact.)

9/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091055 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement**

Resolution adopting findings under the California Environmental Quality Act, CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

8/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091056 **[Approve San Francisco Public Utilities Commission Peninsula Region Construction Management Contract - NTE $22,000,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-916, Peninsula Region Construction Management Services, with HDR Engineering, Inc., for an amount not to exceed $22,000,000 with a term of up to 55 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

8/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091057 **[Emergency contract to replace main sewer on California Street from Cherry Street to Arguello Boulevard]**

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace the main sewer on California Street from Cherry Street to Arguello Boulevard. (Public Utilities Commission)

(Fiscal Impact.)

8/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091058 **[Emergency contract to replace sewers on Lexington Street from 20th Street to 21st Street and on San Carlos Street from 18th Street to Sycamore Street]**

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace sewers on Lexington Street from 20th Street to 21st Street and on San Carlos Street from 18th Street to Sycamore Street. (Public Utilities Commission)

(Fiscal Impact.)

8/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091067 **[Approve a Lease with the United States of America at the International Terminal of San Francisco International Airport]**

Resolution approving and authorizing the execution of Lease No. GS-09B-01967 with the United States of America for terminal space to be occupied by the U.S. Federal Bureau of Investigation, a Federal agency, in the International Terminal of San Francisco International Airport. (Airport Commission)

8/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091068 **[Approve amendments to four SFPUC professional engineering services agreements in excess of $10,000,000 each]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase four professional engineering services agreements for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts in excess of $10,000,000 each, pursuant to Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

8/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091069 **[Approving the Ninth Amendment to contract with Office Depot to increase the dollar amount by more than $500,000]**

Resolution approving the Ninth Amendment to the Agreement between the City and Office Depot (Contractor) for office supplies, increasing the contract's dollar amount to $20,770,000, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

9/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Campos
To: Mayor's Office
Requesting/Inquiring: Supervisor Campos respectfully requests that the Mayor's Office, or any other appropriate department(s), provide information regarding the City and County of San Francisco's compliance with all the requirements of Section 8.103 of the Charter, including:

-that "[t]he City and County shall provide suitable and sufficient quarters for the Law Library"

-that "[t]he Library shall be so located as to be readily accessible to the judges and officers of the courts"

-that "[t]he judiciary, City, County and state officials, members of the Bar, and all inhabitants of the City and County of San Francisco shall have free access, use and enjoyment of the Law Library..."

Supervisor Campos respectfully requests that this information be provided as soon as reasonable possible.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic
Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

2115 Golden Gate
1700 Golden Gate
323 Linden
587 Haight
478-484 Haight
577 Haight
471 Haight
200 Octavia
1594 Golden Gate
999 Oak
610 Fillmore
542 Divisadero
330 Fillmore
338 Fillmore
485 Scott
526 Haight
796 Haight
421 Scott
1133 Fell
1421 Fulton
458 Scott
400 Oak
540 Haight
1133 Fell
1109 Oak
650 Fillmore
590 Steiner
500 Scott
500 Oak
55 Laguna
1689 Fulton
604 Haight
425 Haight
539 Gough
879 Haight
899 Haight
900 Haight
901 Haight
1298 Haight
1801 Fulton
1689 Fulton
583 Haight
1881 Oak
218 Pierce
338 Haight
295 Buchanan

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole
Northeast corner Octavia & Fell
Northeast and Southeast corners Haight & Fillmore
In front of 105 Fillmore
In front of 431 Fell
Southeast corner Broderick & Hayes
Northwest corner Masonic & Haight

Wood Pole
In front of 468 Fell
In Front of 500 Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes
Southwest corner Divisadero & Grove
Southeast corner Fell & Fillmore
Northeast corner Steiner & Fulton
Northwest corner Lyon & Haight
In front of 1213 Fell
Northwest corner Golden Gate & Masonic
Northeast corner Oak & Fillmore

Fire Hydrant
Southwest corner of Buchanan & Haight

Emergency Boxes
Northeast corner Divisadero & Fell
Southwest corner Fell & Fillmore
Southeast corner Scott & Fulton

Bus Shelters
In Front of 500 Fillmore

Southwest corner Hayes & Fillmore
Southwest corner Fillmore & Oak
Southeast corner Buena Vista West & Haight
Southwest corner Pierce & Haight
Southeast corner Buchanan & Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime)

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
Southeast corner Steiner & Haight
Northeast corner Eddy & Scott
Northeast corner Clayton & Hayes
Southwest corner Buena Vista East & Haight
Southwest corner Waller & Fillmore

Mailbox
Southwest corner Oak & Webster

In Memoriams

Giulio Sodini - Supervisor Chiu

Honorable Councilmember Michael Shimansky - Supervisors Daly and Mar

Maria Aminta Orellana - Supervisor Dufty

Elliot Harris Klein - Supervisor Dufty

Doug Murphy - Supervisor Dufty

Jimmy Erbacher - Supervisors Elsbernd and Alioto-Pier

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:41 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on October 20, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.
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Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.
AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.
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the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

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Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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September 22, 2009

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MEETING MINUTES
Tuesday, September 22, 2009
2:00 PM
City Hall, Legislative Chamber, Room 250
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present:	*Michela Alioto-Pier, John Avalos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.*
Members Excused:	*David Campos.*
Members Absent:	*None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Campos was noted absent. There was a quorum.

Supervisor Campos Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to excuse Supervisor Campos from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of August 18, 2009. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

090851 [Liquor License - 533 Sutter Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Matthew Shelton, for Shelton Theater LLC, located at 533 Sutter Street, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 372-09
ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090879 **[Approving amendment to engineering services agreement for SFPUC New Irvington Tunnel Project]**

Resolution approving and authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by $3,900,000 for a total revised agreement amount of $13,898,561 and extend the agreement term by one year for a total revised agreement term of eight years, pursuant to San Francisco Charter Section 9.118(b). (Public Utilities Commission)

(Fiscal Impact.)

Enacted Number: 370-09
ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

090993 **[Acquisition of Muni Fillmore Substation at 1190 Fillmore Street]** **Supervisor Mirkarimi**

Resolution approving the acquisition of real property with improvements located at 1190 Fillmore Street (at Turk Street), together with a Certificate for 171,308 units of Transferable Development Rights and $135,225 in predevelopment planning funds from the San Francisco Redevelopment Agency for the rehabilitation of the Muni Substation, at no cost to the City.

Continued to October 6, 2009.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

091016 **[Contract between the Department of Public Health and the San Francisco Community Health Authority to provide Provider Payment services for the Healthy San Francisco program]** **Mayor, Supervisor Avalos**

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to retroactively contract with the San Francisco Community Health Authority to provide Provider Payment services for the Healthy San Francisco program for the term of July 1, 2009, through June 30, 2010.

(Fiscal Impact.)

Enacted Number: 368-09
ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

090979 **[CEQA findings for SFPUC Water System Improvement Program, Bay Division Pipeline Reliability Upgrade Project in Alameda and San Mateo Counties]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Reliability Upgrade Project, CUW 36801, 36802 and 36803; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Enacted Number: 371-09
ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

090980 **[CEQA findings for SFPUC Water System Improvement Program, San Joaquin Pipeline System Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and the statement of overriding considerations related to the San Joaquin Pipeline System Project Project No. CUW37301; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Enacted Number: 369-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Recommendation of the City Operations and Neighborhood Services Committee

090909 **[Citizen's Committee on Community Development]** **Mayor, Supervisors Daly, Avalos, Mirkarimi, Mar, Campos**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.290 to establish the Citizen's Committee on Community Development, an advisory body jointly appointed by the Mayor and the Board of Supervisors, that is responsible for making policy recommendations and providing for citizen participation regarding community development strategy in the City, and making annual funding recommendations for the Federal Housing and Urban Development Community Development Block Grant and Emergency Shelter Grant programs.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Elsbernd, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Supervisor Elsbernd introduced, welcomed, and presented a Certificate of Honor to Eloine Ikedo, on behalf of the California Campus Compact coalition of colleges and universities, in recognition of its investment and championship of more than 500,000 students each year.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Stacy May, on behalf of the San Francisco Vegetarian Society, in recognition of its 10th Annual Veg Festival Weekend and for its continued community support.

COMMITTEE REPORTS

091065 **[Appointment, Arts Commission - Greg Chew]**

Motion approving the Mayor's appointment of Greg Chew to the Arts Commission, for the term ending January 15, 2013

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - August 24, 2009.)

Enacted Number: M09-155

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

ROLL CALL FOR INTRODUCTIONS

See Off-Agenda Legislation below.

PUBLIC COMMENT

Abdulloh Megaheed; expressed various concerns in Arabic and English.

Jomes Chaffee; expressed concerns relating to the SF Public Library.

Richord McRee; expressed concerns relating to technology, inventions and patents.

Charles Bonjay; expressed that San Francisco was the best City in the world.

Male Speaker; expressed various concerns relating to home care workers in Chinese and English.

John Di Donna; expressed concerns relating to human equality.

Male Speaker; expressed concerns relating to public comment.

Andrea Smith; expressed concerns relating to home care workers.

Male Speaker; expressed concerns relating to power for electric devices.

Walter Paulson; shared in song certain concerns with the Board.

Leo Chow; expressed concerns relating to home care workers.

Female Speaker; expressed concerns relating to the disbandment of FM 92.7.

Male Speaker; expressed various concerns.

Male Speaker; expressed various religious concerns.

Francisco Da Costa; expressed concerns relating to home care workers.

Ace Washington; expressed concerns relating to the African-American community.

Sonny Torey; expressed concerns relating to racial harassment.

Female Speaker; expressed appreciation for the work of the Board of Supervisors.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091115 **[Mortgage Revenue Bonds]** **Supervisor Daly**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $22,000,000 for Arlington Residence; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with California Debt Limit Allocations Committee procedures; authorizing the Director to certify to California Debt Limit Allocations Committee that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $22,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Enacted Number: 375-09

ADOPTED

091116 **[Accept and Expend Gift - Police Department - $40,000]** **Supervisor Dufty**

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend a gift in the amount of $40,000 from the Supporters of the San Francisco Police Department's Wilderness Adventure Youth Program, a non-profit organization [Internal Revenue Code 501(c)(3)], for the purchase of two new passenger vans to use on Youth Wilderness Trips.

Enacted Number: 376-09

ADOPTED

091117 **[Encouraging Ed Stolz, the new owner of FM 92.7, to continue with the Lesbian Gay Bisexual Transgender radio format of Energy 92.7]** **Supervisor Dufty**

Resolution encouraging Ed Stolz, the new owner of radio station 92.7, to continue with the Community/Lesbian Gay Bisexual Transgender/Dance radio format that has made Energy 92.7 one of the most unique and popular radio stations in San Francisco and the Bay Area.

Enacted Number: 377-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

IMPERATIVE AGENDA

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

[Brown Act Finding] Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

091132 **[Declaring September 2009 as Reentry Month]** **Supervisor Mirkarimi**

Resolution declaring the month of September 2009 as Reentry Month in the City and County of San Francisco

Enacted Number: 374-09

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

091133 **[Declaring October 3, 2009, Dolorous Knight Day]** **Supervisor Avalos**

Resolution commending Dolorous Knight for her dedication to and generous support of San Francisco's public libraries, particularly her neighborhood branch, the Excelsior Branch Library, and declaring October 3, 2009, as Dolorous Knight Day.

Enacted Number: 373-09

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

091136 **[Mandatory prequalification, training and safety certification requirements for public works projects]** **Supervisor Alioto-Pier**

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.20(F), to require mandatory bidder prequalification for all public works contracts and set minimum requirements for prequalification; amending Section 6.22(O) to establish training requirements applicable to apprentices and journeymen; and amending Section 6.22(P) to establish minimum safety training and certification requirements for electricians working on a jobsite.

9/22/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/22/2009.

091137 **[Administrative Code - Historical Property (Mills Act) Contract Procedures]** **Supervisor Alioto-Pier**

Draft ordinance amending Administrative Code Section 71, (Mills Act Contract Procedures) to codify recent Charter changes related to the Historic Preservation Commission, establish process deadlines for Mills Act applications, require Budget Analyst review, clarify the definition of qualified historical property, and make technical changes.

9/22/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/22/2009.

091138 **[Public Employment - Department of Human Resources]** **Supervisor Chiu**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of four (2.68 FTE) Class 1064 IS Programmer Analyst - Principal and four (2.68 FTE) Class 1054 IS Business Analyst - Principal and two (1.34 FTE) Class 1043 IS Engineer - Senior in the Department of Human Resources.

(Fiscal Impact.)

9/22/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091140 **[Settlement of Lawsuit - Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC]** **Supervisor Maxwell**

Ordinance authorizing settlement of the lawsuit filed by Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC, against the City and County of San Francisco for a Writ of Mandate against the City and County of San Francisco to cease and desist from requiring a residential housing development commonly known as Bayside Vista, 2011 Bayshore Boulevard from compliance with the Visitacion Valley Community Facilities and Infrastructure Fee and Fund; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. CGC-08-478842; entitled Joseph Imbelloni; Imbelloni Construction Co., Inc.; Bayside Vista LLC v. City and County of San Francisco; Department of Building Inspection; Jose Cisneros, Treasurer of the City and County of San Francisco, et al; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 091140.

9/22/09, RECEIVED AND ASSIGNED to Rules Committee.

091141 **[Appropriating $1,043,160 of Hotel Room Tax Revenue to restore reductions to Convention Facilities in the General Services Agency, City Administrator for FY 2009-2010]** **Supervisors Mirkarimi, Avalos**

Ordinance appropriating $1,043,160 of Hotel Tax Revenue from the General Fund to restore reductions to the Convention Facilities Fund in the General Services Agency, City Administrator's Office for FY 2009-2010 and amending Administrative Provision Section 12.11 of the FY 2009-2010 Annual Appropriation Ordinance to reflect the change in Hotel Tax Allocation.

(Fiscal Impact.)

9/22/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

091132 **[Declaring September 2009 as Reentry Month]** **Supervisor Mirkarimi**

Resolution declaring the month of September 2009 as Reentry Month in the City and County of San Francisco.

9/22/09, ADOPTED.

091133 **[Declaring October 3, 2009, Dolorous Knight Day]** **Supervisor Avalos**

Resolution commending Dolorous Knight for her dedication to and generous support of San Francisco's public libraries, particularly her neighborhood branch, the Excelsior Branch Library, and declaring October 3, 2009, as Dolorous Knight Day.

9/22/09, ADOPTED.

091139 **[Department of Human Resources - Amendment to CIBER, Inc. Contract - reduced to $4,995,120]** **Supervisor Chiu**

Resolution approving an amendment to the CIBER, Inc. contract to reduce the contract amount to $4,995,120.

9/22/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091142 **[Authorizing local support for the Bridge Preventive Maintenance Program]** **Mayor**

Resolution authorizing local support for the Department of Public Works Bridge Preventive Maintenance Program and authorizing the Director of Public Works, or designee, to execute all documents pertaining to the project with Caltrans.

9/22/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091143 **[Welcoming the Presidents Cup to San Francisco]** **Supervisors Elsbernd, Daly**

Resolution welcoming The Presidents Cup to Harding Park Golf Course.

9/22/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091144 **[Commending Bart Duncan for all of his work with the City and County of San Francisco]** **Supervisor Dufty**

Resolution commending Bart Duncan for his more than 8 years of service to the City and County of San Francisco and for his leadership as the Director of Health Services.

9/22/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091145 **[Amending meeting requirements for the Children's Collaborative Task Force]** **Supervisor Alioto-Pier**

Resolution amending Resolution 358-07, to allow the Children's Collaborative Task Force to begin meeting prior to the appointment of all its members.

9/22/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

091134 **[Domestic Violence Shelter Changes]** **Supervisors Alioto-Pier, Chiu**

Hearing to discuss the recent changes to state support for domestic violence shelters, efforts by Senator Leland Yee to restore funding to shelters, and local impacts on the community.

9/22/09, RECEIVED AND ASSIGNED to Public Safety Committee.

091135 **[Committee of the Whole - Acquisition of Muni Fillmore Substation at 1190 Fillmore Street]** **Supervisor Mirkarimi**

Hearing of persons interested in or objecting to proposed Resolution approving the acquisition of real property with improvements located at 1190 Fillmore Street (at Turk Street), together with a Certificate for 171,308 units of Transferable Development Rights and $135,225 in predevelopment planning funds from the San Francisco Redevelopment Agency for the rehabilitation of the Muni Substation, at no cost to the City.

9/22/09, ASSIGNED to Board of Supervisors. Pursuant to File 090993, Board to sit as a Committee of the Whole on October 6, 2009.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

091093 **[Approving Zoning Map Amendments in Connection with the 1500 Page Street Residential Care Special Use District]**

Ordinance amending Section Maps 6H and 6SU of the Zoning Maps of the City and County of San Francisco for the real property located at 1500 Page Street (Assessor's Block 1223/Lot 004) at the northwest corner of Masonic Avenue and Page Street, to reclassify the property from a 40-X Height and Bulk District to a 55-X Height and Bulk District, and to map the 1500 Page Street Residential Care Special Use District in order to permit the expansion of an existing building used for residential care and other considerations; and adopting General Plan, Planning Code and environmental findings. (Planning Department)

9/11/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/22/2009.

091094 **[Approving agreements for procurement, installation and implementation of San Francisco Public Utilities Commission Advanced Meter Infrastructure System]**

Ordinance approving agreements necessary for the procurement, installation and implementation of the San Francisco Public Utilities Commission's Advanced Meter Infrastructure System, including Water Enterprise Agreement No. CS-936 with VSI Meter Services, Inc., related software license and maintenance agreements with Aclara RF Systems Inc., and a related source code escrow agreement with Aclara RF Systems and U.S. Bank National Association, under Charter Section 9.118; making findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; and ratifying the procurement and contracting processes used by the San Francisco Public Utilities Commission. (Public Utilities Commission)

(Fiscal Impact.)

9/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTION

091095 **[Lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment]**

Resolution approving the lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment for the San Francisco Public Utilities Commission; approving the form of a lease purchase financing agreement between the Public Utilities Commission and a lender to be named therein, authorizing the selection of such lender, and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

(Fiscal Impact.)

9/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Alioto-Pier
To: Director, Health Service System
Requesting/Inquiring: Requesting that the Health Service System provide data on denials of City and County members who belong to Blue Shield HMO, plus system policies on assisting members who face denials.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
On the North side of Cole Street between Carl and Frederick
Northeast corner Buchanan and Haight

Mailboxes
Northeast corner Buchanan and Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

350 Laguna
440 Webster
1020 Fillmore
Building on the Northeast corner of Clayton and Cole
400 Fillmore
478-484 Haight (possible gang graffiti)
485 Scott
1300 Haight
506 Haight
338 Haight
295 Buchanan

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:
Metal Pole
In front of 1056 Divisadero
In front of 338 Fillmore

Wood Pole
Southeast corner Sutter and Broderick
Northeast corner Fillmore and Germania

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes
Southeast corner Fell and Buchanan
Northeast corner Pierce and Waller

Bus Shelter
Southwest corner Stanyan and Haight
Southeast corner Buchanan and Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes
Southwest corner Waller and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

In Memoriams

Julianna "Julie" De Gregorio - Supervisors Dufty and Elsbernd

Jacob Alexander - Supervisor Mirkarimi

Melissa Dennison - Supervisor Mirkarimi

Sue Olive - Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:40 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on October 20, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

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AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯： 必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

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Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site www.sfgov.org/ethics

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES
Tuesday, October 6, 2009
2:00 PM
Legislative Chamber, Room 250
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present: *Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie [illegible] Mirkarimi*

Members Excused: *None.*

Members Absent: *None*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:09 p.m.

AGENDA CHANGES

There were none

COMMUNICATIONS

There were none

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

091007 **[Airport Concession Lease]**

Resolution approving the Terminal 3 Concourse Specialty Store Lease to Air Sun, a joint venture between Sunglass Hut Trading, LLC and Corliss Stone-Littles, LLC, and the City and County of San Francisco acting by and through [illegible] Commission. (Airport Commission)

Enacted Number: 394-09
ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

091909 **[Citizen's Committee on Community Development]** **Mayor, Supervisors Daly, Avalos, Mirkarimi, Mar, [illegible]**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.290 to establish the Citizen's Committee on Community Development, an advisory body jointly appointed by the Mayor and the [illegible] responsible for making policy recommendations and providing for citizen participation regarding community development strategy in the City, and making annual funding recommendations for the Federal Housing and Urban [illegible] Community Development Block Grant and Emergency Shelter Grant programs.

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 212-09
FINALLY PASSED

Recommendations of the Rules Committee

090955 **[Settlement of Administrative Enforcement Action - $115,000]**

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of [illegible]

Enacted Number: 386-09
ADOPTED

091005 **[Settlement of Unlitigated Claim - Rajitha Sangha - $30,000]**

Resolution approving the settlement of the unlitigated claim of Rajitha Sangha against the City and County of San Francisco for $30,000; claim was filed on July 7, 2008. (City Attorney)

Enacted Number: 385-09
ADOPTED

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091006 **[Settlement of Unlitigated Claim - Ferry Building Associates - $107,798.50]**

Resolution approving the settlement of the unlitigated claim filed by Ferry Building Associates against the City and County of San Francisco for $107,798 50; claim was filed on January 26, 2009. (City Attorney)

Enacted Number: 384-09

ADOPTED

091009 **[Settlement of Unlitigated Claim - Rose Dennis - $90,670.20]**

Resolution approving settlement of the unlitigated claim submitted by Rose Dennis against the City and County of San Francisco for $90,670 20, claim was submitted on April 2, 2009 (City Attorney)

Enacted Number: 383-09

ADOPTED

091048 **[Appointment, Sunshine Ordinance Task Force - Suzanne Manneh]**

Motion appointing Suzanne Manneh, term ending April 27, 2011, to the Sunshine Ordinance Task Force, residency requirement waived.

Suzanne Manneh, seat 4, succeeding Ketaki Gokhale, resigned, must be appointed from names submitted by New California Media and be a journalist from a racial/ethnic-minority-owned news organization, for the unexpired portion of a two-year term ending April 27, 2011, residency requirement waived

Enacted Number: M09-156

APPROVED

091049 **[Appointments, Assessment Appeals Board No. 1 - Alec Lambie, Lawrence Lee, Hayes Miles and Scott Spertzel]**

Motion appointing Alec Lambie, Lawrence Lee, Hayes Miles and Scott Spertzel, terms ending September 7, 2012, to the Assessment Appeals Board No 1

Alec Lambie, succeeding himself, term expired, seat 2, must meet the eligibility criteria set forth in Section 1624 05 of the California Revenue and Taxation Code as follows Must have a minimum of five years professional experience in the State of California as one of the following Certified Public Accountant (CPA) or Public Accountant (PA), licensed Real Estate Broker, Attorney, or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers, or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 7, 2012 Lawrence Lee, succeeding himself, term expired, seat 5, must meet the eligibility criteria set forth in Section 1624 05 of the California Revenue and Taxation Code as follows. Must have a minimum of five years professional experience in the State of California as one of the following Certified Public Accountant (CPA) or Public Accountant (PA), licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers, or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 7, 2012 Hayes Miles, succeeding himself, term expired, seat 6, must meet the eligibility criteria set forth in Section 1624 05 of the California Revenue and Taxation Code Must have a minimum of five years professional experience in the State of California as one of the following Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker, Attorney, or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 7, 2012, ALTERNATE /HEARING OFFICER Scott Spertzel, succeeding David Wilbur, term expired, seat 8, must meet the eligibility criteria set forth in Section 1624 05 of the California Revenue and Taxation Code Must have a minimum of five years professional experience in the State of California as one of the following Certified Public Accountant (CPA) or Public Accountant (PA), licensed Real Estate Broker,

Enacted Number: M09-157

APPROVED

091050 **[Appointments, Assessment Appeals Board No. 2 - Louisa Mendoza, John McGary, Donna Crowder and Arthur Tom]**

Motion appointing, Louisa Mendoza, John McGary, Donna Crowder and Arthur Tom, terms ending September 7, 2012, to the Assessment Appeals Board No 2

Louisa Mendoza, succeeding herself, term expired, seat 1, must meet the eligibility criteria set forth in Section 1624 05 of the California Revenue and Taxation Code Must have a minimum of five years professional experience in the State of California as one of the following Certified Public Accountant (CPA) or Public Accountant (PA), licensed Real Estate Broker, Attorney, or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser, or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 7, 2012 John McGary, succeeding himself, term expired, seat 5, must meet the eligibility criteria set forth in Section 1624 05 of the California Revenue and Taxation Code Must have a minimum of five years professional experience in the State of California as one of the following Certified Public Accountant (CPA) or Public Accountant (PA), licensed Real Estate Broker, Attorney, or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser, or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 7, 2012 Donna Crowder, succeeding herself, term expired, seat 6, must meet the eligibility criteria set forth in Section 1624 05 of the California Revenue and Taxation Code Must have a minimum of five years professional experience in the State of California as one of the following Certified Public Accountant (CPA) or Public Accountant (PA), licensed Real Estate Broker, Attorney, or a Property Appraiser accredited by a nationally recognized professional organization or Property Appraiser certified by the Office of Real Estate Appraiser, or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 7, 2012 Arthur Tom, succeeding himself, term expired, seat 7, must meet the eligibility criteria set forth in Section 1624 05 of the California Revenue and Taxation Code Must have a minimum of five years professional experience in the State of California as one of the following Certified Public Accountant (CPA) or Public Accountant (PA), licensed Real Estate Broker, Attorney, or a

Enacted Number: M09-158

APPROVED

The foregoing items were acted upon by the following vote

Ayes 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090938 **[San Francisco Special Tax Financing Law]** **Supervisors Mar, Mirkarimi, Campos**

Ordinance amending the San Francisco Administrative Code Special Tax Financing Law, constituting Article 43.10, to authorize water conservation and water pollution control equipment and improvements as facilities eligible for funding through the formation of special tax districts, the imposition of special taxes, and the issuance of bonds secured by special tax funds and related technical amendments

Supervisor Campos requested to be added as a co-sponsor

Supervisor Mar, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance to amend the San Francisco Administrative Code Special Tax Financing Law, constituting Article 43 10, to authorize water conservation and water pollution control equipment and improvements as facilities eligible for funding through the formation of special tax districts, the imposition of special taxes, and the issuance of bonds secured by special tax funds and related technical amendments

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090992 **[Recreation and Park - Farmers' Market Fees - $475 per market location for six months]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Park Code Section 7.21 to establish farmers' market fees at $475 per market location for six months of operation

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090908 **[Approving Advanced Train Control System Improvement Services and Equipment Purchases]** [illegible]

Resolution approving Municipal Transportation Agency Contract No. 1226, Advanced Train Control System Improvement Services and Equipment Purchases, with Thales Transport & Security, Inc. [illegible] term not to exceed five years with an option to extend the term an additional three years

(Fiscal Impact.)

Enacted Number: 393-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090939 **[Adoption of Local Goals and Policies for Mello-Roos Community Facilities Districts]** **Supervisors Mar, Mirkarimi**

Resolution adopting local goals and policies for Mello-Roos Community Facilities Districts

Enacted Number: 387-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091055 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement**

Resolution adopting findings under the California Environmental Quality Act, CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program [illegible] the Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Enacted Number: 382-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091014 **[Hunters Point Shipyard Cooperative Agreement for Fire and Medical Services]** Mayor, Supervisor Maxwell

Resolution authorizing the San Francisco Fire Department to enter a five-year Cooperative Agreement with the United States Navy to provide fire and emergency medical services to portions of the [illegible] ownership, and to accept and expend funds provided to the Fire Department by the Navy as reimbursement for services provided under that agreement

Enacted Number: 379-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091120 **[2008 Community Needs Assessment and 2010-2013 Children's Services Allocation Plan]** Mayor

Resolution approving the Children's Services Allocation Plan for the Children's Fund in accordance with Section 16.108 of the San Francisco Charter

Enacted Number: 388-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090477 **[Amending Planning Code - South of Market (SOMA) Community Stabilization Fund]** [illegible]

Ordinance amending Section 318.2 and 318.7 of the San Francisco Planning Code to clarify certain provisions relating to the South of Market (SOMA) Stabilization Fund to clarify that the Mayor's [illegible] the Mayor's Office of Community Development, will manage and expend the Fund, and amending Section 318.3 to clarify that the SOMA Stabilization fee is due before issuance of the final certificate [illegible] issuance of a first certificate of occupancy, whichever is sooner, and making certain findings including findings under the California Environmental Quality Act

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090791 **[Changing the official sidewalk width - 20th, Minnesota, and Indiana Streets]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1584 to change the official sidewalk width on the north side of 20th Street between Minnesota [illegible] corner of 20th and Minnesota Streets, and southeast corner of 20th and Indiana Streets, making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1, requiring relocation, modification [illegible] facilities affected by the sidewalk width change. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090963 **[Interim Zoning Controls requiring conditional use authorization for Tobacco Paraphernalia Establishments, as defined, in the Polk Street Neighborhood Commercial District]** [illegible]

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for Tobacco Paraphernalia Establishments, as defined, and subject to specified exceptions, in the [illegible] District, for a one year period, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings

Enacted Number: 389-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

0908[illegible] **[Confirming the Mayor's reappointment of Kimberly K. Brandon to the San Francisco Port Commission]** **Mayor**

Motion confirming the Mayor's reappointment of Kimberly K. Brandon to the San Francisco Port Commission for a four-year term ending May 1, 201

Enacted Number: M09-159

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

091135 **[Committee of the Whole - Acquisition of Muni Fillmore Substation at 1190 Fillmore Street]** **Supervisor Mirkarimi**

Hearing of persons interested in or objecting to proposed Resolution approving the acquisition of real property with improvements located at 1190 Fillmore Street (at Turk Street), together with a Certificate for 171,308 units of Transferable Development Rights and $135,225 in predevelopment planning funds from the San Francisco Redevelopment Agency for the rehabilitation of the Muni Substation, at no cost to the City.

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of the Muni Fillmore Substation located at 1190 Fillmore Street referenced in File No. 090993. Jake Crawford, Harris Edgerly, Male Speaker, Ace Washington, Male Speaker, expressed various concerns. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

090993 **[Acquisition of Muni Fillmore Substation at 1190 Fillmore Street]** **Supervisor Mirkarimi**

Resolution approving the acquisition of real property with improvements located at 1190 Fillmore Street (at Turk Street), together with a Certificate for 171,308 units of Transferable Development Rights and $135,225 in predevelopment planning funds from the San Francisco Redevelopment Agency for the rehabilitation of the Muni Substation, at no cost to the City.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chu introduced, welcomed, and presented Certificates of Honor to Commander Gus Braneman, retired, which was accepted by his son, Lieutenant Kurt Braneman, and Captain Ray White, retired, on behalf of the San Francisco Police Activities League (PAL), as the founders and to Captain Rick Bruce in recognition of PAL's continued community support.

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Rashanda Madison, representing San Francisco Peer Court, in support of Youth Court Month and in recognition of their continued community support.

Supervisor Chu introduced, welcomed, and presented Certificates of Honor to Benjamin Amyes, Red Cross, and Hotel Council of San San Francisco, in recognition of their contributions in a recent emergency response and for their continued community support.

SPECIAL ORDER 4:00 P.M.

091082 **[Public Hearing - Appeal of Final Mitigated Negative Declaration - 1390 Market Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17892, adopted May 28, 2009, Case No. 2005.0979E, approving a Final Mitigated Negative Declaration for the proposed development project located at 1390 Market Street (Assessor's Block No. 0813, Lot No. 006). The proposal would demolish an existing two-story retail and office building and construct a new 120-foot-tall, 11-story building containing up to 250 dwelling units and approximately 19,880 gross square feet of ground-floor retail use. There would be no change to an existing mixed-use tower on the site, and no new parking would be provided (18 existing spaces would be removed); parking for the new residential units would be within an existing two-level basement. (Appellant: Sue C. Hestor on behalf of San Franciscans for Reasonable Growth)

(Filed 9/3/09; Companion Measure to Files 091083, 091084, 091085; District 6.)

The President inquired as to whether any member of the public wished to address the Board. Sue Hestor (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. There were no speakers in support of the appeal. Don Lewis and Joy Navarrete (Planning Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Andrew Junius and Amr Massah (Project Sponsors) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Kenneth Cohn, Mark Conrah, spoke in support of the project and in opposition to the appeal. Sue Hestor (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

091083 **[Affirming adoption of the final mitigated negative declaration for 1390 Market Street]**

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 1390 Market Street.

Enacted Number: M09-160

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091084 **[Reversing adoption of the final mitigated negative declaration for 1390 Market Street]**

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 1390 Market Street.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091085 **[Preparation of findings to reverse adoption of the final mitigated negative declaration for 1390 Market Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 1390 Market Street

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

091053 **[Approval of the cost extension application for HIV prevention projects]** **Supervisors [illegible]**

Resolution authorizing the San Francisco Department of Public Health to submit a two-year application for calendar years 2010 and 2011, to continue to receive funding for the "HIV [illegible] and Prevention" in the total amount of approximately $16,000,000 in HIV prevention funding for San Francisco, from January 1, 2010, through December 31, 2011. (Public Health Department)

Supervisor Campos requested to be added as a co-sponsor

Enacted Number: 381-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Off-Agenda Legislation below

PUBLIC COMMENT

Abdallah Megaheed, expressed various concerns

Lois Roberts, expressed various concerns

James Chaffee, expressed concerns relating to the SF Public Library

Richard McRee, expressed concerns relating to technology, inventions and patents

Male Speaker, expressed various concerns

Dr. Walker, expressed concerns relating to plans for Candlestick and Bayview Hunter's Point

Al Long, expressed concerns relating to Bayview Hunter's Point

Daniel Howard, expressed concerns relating to Bayview Hunter's Point

Douglas Yuo, expressed concerns relating to pornography

Reverend Amos Brown, expressed concerns relating to democracy and Bayview Hunter's Point

Ace Washington, expressed concerns relating to Bayview Hunter's Point

Male Speaker, expressed various religious concerns

Pastor, expressed concerns relating to Bayview Hunter's Point

Ron Lee, expressed concerns relating to Bayview Hunter's Point

Dave Johnston, expressed concerns relating to surcharge for cigarettes

Daniel Landry, expressed concerns relating to Bayview Hunter's Point.

Male Speaker; expressed concerns relating to food

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091143 **[Welcoming the Presidents Cup to San Francisco]** **Supervisors Elsbernd, Daly**

Resolution welcoming The Presidents Cup to Harding Park Golf Course

Supervisor Daly requested to be added as a co-sponsor

Enacted Number: 391-09

ADOPTED

091144 **[Commending Bart Duncan for all of his work with the City and County of San Francisco]** **Supervisor Dufty**

Resolution commending Bart Duncan for his more than 8 years of service to the City and County of San Francisco and for his leadership as the Director of Health Services.

Enacted Number: 392-09

ADOPTED

091145 **[Amending meeting requirements for the Children's Collaborative Task Force]** **Supervisor Alioto-Pier**

Resolution amending Resolution 358-07, to allow the Children's Collaborative Task Force to begin meeting prior to the appointment of all its members

Enacted Number: 380-09

ADOPTED

091153 **[Bay Area Youth Sports Foundation Day in San Francisco]** **Supervisors Alioto-Pier, Campos**

Resolution declaring Thursday, October 8, 2009, Bay Area Youth Sports Foundation Day in San Francisco

Supervisor Campos requested to be added a co-sponsor

Enacted Number: 378-09

ADOPTED

091146 **[Final Map - 2242-2256 15th Street]**

Motion approving Final Map 4773, a merger and resubdivision, Parcel "B" being a six unit residential condominium project, located at 2242-2256 15th Street being a [illegible] findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,244, District 8)

Enacted Number: M09-160

APPROVED

091147 **[Final Map - 2189 Bayshore Boulevard]**

Motion approving Final Map 5584, a five residential unit and two commercial unit mixed-use condominium project, located at 2189 Bay Shore Boulevard being a subdivision of Lot No. 021 in Assessors Block No. 5066B and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,327, District 10.)

Enacted Number: M09-161

APPROVED

091148 **[Final Map - One Hawthorne Street]**

Motion approving Final Map 5278, a 165 residential unit and one commercial unit mixed-use condominium project, located at One Hawthorne Street being a subdivision of Lot No. 047 in Assessors Block No. 3735 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,330, District 6.)

Enacted Number: M09-162

APPROVED

091149 **[Final Map - 7 Vandewater Street, 418-420 Francisco Street]**

Motion approving Final Map 5590, a ten unit residential and one unit commercial mixed-use condominium project, located at 7 Vandewater Street and 418-420 Francisco Street being a subdivision of Lot No. 013 in Assessors Block No. 0041 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,332, District 3.)

Enacted Number: M09-163

APPROVED

091150 **[Final Map - 723 Taylor Street]**

Motion approving Final Map 4868, a twelve unit residential condominium project, located at 723 Taylor Street being a subdivision of Lot 004 in Assessors Block No. 0282 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,333, District 3.)

Enacted Number: M09-164

APPROVED

091154 **[Final Map - 860 Waller Street]**

Motion approving Final Map 5147, a five unit residential condominium project, located at 860 Waller Street being a subdivision of Lot No. 013 in Assessors Block No. 1240 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,346, District 5.)

Enacted Number: M09-165

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Supervisor Campos Excused from Voting

Supervisor Dufty, seconded by Supervisor Avalos, moved to excuse Supervisor Campos from voting on the imperative item findings and File No. 091601. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

[Brown Act Finding] Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

091601 **[Commending Central American Resource Center, Supervisor Campos, and Aura Beteta on Central American People's Day 2009]** **Supervisor Avalos**

Resolution recognizing October 18, 2009, as Central American People's Day, and to acknowledge Central American Resource Center's (CARECEN) contributions in organizing the second annual Central American community "Festival de los Volcanes," and commending Supervisor David Campos and Aura Beteta for their exemplary leadership on behalf of the City's immigrant community.

Enacted Number: 395-09

Supervisor Avalos, seconded by Supervisor Dufty, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090999 **[Waiving contracting provisions to allow the City to meet State requirements to participate in Proposition 1A bond sale]** **Mayor, Supervisor [illegible]**

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; and (2) waiving certain City contracting provisions that are not allowed by the State under the State [illegible] with the California Statewide Communities Development Authority and thus allowing the City to meet the deadline to participate in the State program to issue bonds to offset the adverse effects of the [illegible] property taxes

(Fiscal Impact)

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091161 **[Approving Issuance of a Request for Proposals for CleanPowerSF]** **Supervisor Mirkarimi**

Ordinance approving issuance of a Request for Proposals for Community Choice Aggregation (CCA) Services for the San Francisco CCA program, commonly known as CleanPowerSF.

10/6/09, RECEIVED AND ASSIGNED to Government Audit and Oversight/LAFCo Joint Meeting

091162 **[Purchaser's authority to permit informal solicitation of certain contracts for purchase of goods or services and to set aside contracts for small local businesses]** **Supervisors Chu, Chiu, [illegible]**

Ordinance amending Administrative Code Section 21.5 to allow Purchaser to permit informal solicitation for contracts for commodities and services up to $100,000 and for those contracts utilizing federal grant funds where authorized [illegible] update Purchaser's authority to set aside contracts for local small businesses

10/6/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2009

091163 **[Economic stimulus measures for capital project acceleration]** **Supervisors Chu, Chiu, [illegible]**

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.1, to add a definition for a department head and designee and to increase the Threshold Amount [illegible] construction contracts from $100,000 to $400,000, with a future increase by the Controller in 2015, amending Section 6.20, to update and conform references to Administrative Code Chapter 14B, amending Section [illegible] references to Administrative Code Chapter 14B, amending Section 6.22(A), to clarify and conform to state law the minimum contract amount requiring performance and payment bonds to $25,000, amending [illegible] release of retention to subcontractors certified by the Human Rights Commission as Local Business Enterprises or subcontractors on multi-year construction projects, amending Section 6.40, to increase the minimum [illegible] procurement of professional services for public work projects from $25,000 to $100,000, with a future increase in 2015 by the Controller, amending Section 6.60 to update and conform references to the Municipal Transportation [illegible] amending Section 6.62, Job Order Contracts, to amend the Local Business Enterprise goal enforcement procedure and allow for micro-LBE set-asides, to increase the maximum contract amount from [illegible] maximum contract time to five years, to increase the maximum service order amount from $200,000 or $400,000 (depending on the program) to $400,000 for all purposes, and adding new subcontractor listing [illegible] requirements

10/6/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2009

091165 **[Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach and Chinatown]** **Supervisor [illegible]**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Table 810 to require a conditional use to install a garage in an existing residential structure in the Broadway, North [illegible] and the Chinatown Mixed Use and Community Business Districts, adding Section 249.46 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage [illegible] amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs and the Telegraph Hill - North Beach Residential Special Use District, amending Section 155 to add [illegible] Washington and North Point Streets to the list of streets where garage entries, driveways or other vehicular access to offstreet parking or loading are prohibited; amending the Public Works Code by amending Section [illegible] issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure, adopting findings, including environmental findings, Planning Code Section 302 findings, and findings [illegible] with the General Plan and the priority policies of Planning Code Section 101.1

(Economic Impact)

10/6/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/6/2009

091168 **[Appropriating $150,000 of General Fund Reserve to General City Responsibility for Emergency Aid Relief in the Philippines, Samoa and Indonesia]** **Supervisor [illegible]**

Ordinance appropriating $150,000 from the General Fund Reserve to General City Responsibility for emergency aid relief for the people of the Philippines, Samoa and Indonesia related to recent natural disasters [illegible]

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091169 **[Accept and Expend Grant - Police Department - $16,562,750]** **[illegible]**

Ordinance authorizing the City and County of San Francisco's Police Department to retroactively accept and expend ARRA grant funds in the amount of $16,562,750 from the U.S. Department of Justice [illegible] COPS Hiring Recovery Program to hire 50 new Q-2 San Francisco Police Officers, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions

(Fiscal Impact)

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091137 **[Administrative Code - Historical Property (Mills Act) Contract Procedures]** **Supervisor [illegible]**

Ordinance amending Chapter 71 of the San Francisco Administrative Code regarding historical property (Mills Act) contract procedures to reflect amendments made to the San Francisco Charter [illegible] establish certain time lines for review of applications for historical property contracts, require Budget Analyst review of applications for historical property contracts, and making other clarifying amendments [illegible] environmental findings

9/22/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/22/2009

10/6/09, SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title

10/6/09, ASSIGNED to Rules Committee

081509 **[Summary Vacation of a Portion of Channel Street Between 7th Street and Carolina Street and Exchange of Property]** **Supervisor [illegible]**

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street subject to specified conditions, adopting findings pursuant to the California Streets and Highways [illegible] authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Macor, Inc., Sunset Scavenger Company, and Norcal Waste Systems, Inc., adopting environmental findings and [illegible] the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1, and authorizing actions in furtherance of the Ordinance.

11/25/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee

8/3/09, FILED PURSUANT TO RULE 5.37.

10/6/09, ASSIGNED to Land Use and Economic Development Committee

10/6/09, REACTIVATED PURSUANT TO RULE 5.23. Supervisor Maxwell requested this matter be reactivated.

Resolutions

091000 **[Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Certain Other Actions in Connection with Proposition 1A Bond Sale]** **Mayor, Supervisor [illegible]**

Resolution approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the City's Proposition 1A [illegible] certain other actions in connection therewith.

(Fiscal Impact)

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091101 **[Commending Central American Resource Center, Supervisor Campos, and Aura Beteta on Central American People's Day 2009]** **Supervisor Avalos**

Resolution recognizing October 18, 2009, as Central American People's Day, and to acknowledge Central American Resource Center's (CARECEN) contributions in organizing the second annual Central American community "Festival de los Volcanes," and commending Supervisor David Campos and Aura Beteta for their exemplary leadership on behalf of the City's immigrant community

10/6/09, ADOPTED

091118 **[Board response to the 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT: a Report on the Surplus Real Property Owned by the San Francisco Unified School District"]** **Supervisor Mirkarimi**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT A Report on the Surplus Real Property Owned by the San Francisco Unified School District," and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget

10/6/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee

091119 **[Board response to the 2008-2009 Civil Grand Jury Report entitled "Being Propositioned by the San Francisco Unified School District"]** **Supervisors Mirkarimi Campos**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "Being Propositioned by the San Francisco Unified School District," and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget

10/6/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee

091158 **[Board response to the 2008-2009 Civil Grand Jury Report entitled "Nonprofits, the Good, the Bad, the Ugly"]** **Supervisor Mirkarimi**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "Nonprofits, the Good, the Bad, the Ugly," and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget

10/6/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee

091159 **[Board response to the 2008-2009 Civil Grand Jury Report entitled "Pensions: Beyond Our Ability to Pay"]** **Supervisor Mirkarimi**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "Pensions Beyond Our Ability to Pay," and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget

10/6/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee

091160 **[Board response to the 2008-2009 Civil Grand Jury Report entitled "TRUANTS CAN BE 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or Systematic Ineffectiveness Prevent Future Progress"]** **Supervisor Mirkarimi**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "TRUANTS CAN BE JOYFUL LEARNERS,' TOO Unless Racism, Classism and/or Systematic Ineffectiveness Prevent Future Progress," and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget

10/6/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee

091164 **[Accept and Expend Grant - Department of Public Health - $282,150]** **Supervisor Chu**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Health and Human Services Administration in the amount of $282,150 to upgrade radiology equipment in the Trauma Center at San Francisco General Hospital for the period of September 1, 2009, through February 28, 2011

10/6/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee

091166 **[Approval of Management and Operations Agreement for the Cable Car Museum]** **Supervisor Chiu**

Resolution approving Municipal Transportation Agency Management and Operations Agreement with the Friends of the Cable Car Inc , for the Cable Car Museum for a term of ten years with two five-year options to extend the term

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

0911[illegible] **[Broadway Family Apartments Revenue Bonds - NTE $19,200,000]** **Supervisor Chiu**

Resolution approving the reissuance of not to exceed $19,200,000 aggregate principal amount of City and County of San Francisco Multi-family Housing Revenue Bonds Series 2004a (Broadway Family Apartments) pursuant to Section 147(f) of the Internal Revenue Code of 1986, approving the Fifth Amendment to Loan Agreement and Fifth Supplemental Indenture, ratifying previous actions, and authorizing the execution and delivery of documents and instruments

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

0911[illegible] **[Accept and Expend Grant - Urban Auto Fraud Interdiction Program - $250,000]** **Supervisor Chiu**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $250,000 through the California Department of Insurance, Fraud Division, Local Assistance Program, for a program entitled Organized Automobile Fraud Activity Interdiction Program ("Urban Auto") for FY 2009-2010

10/6/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee

091171 **[Accept and Expend State Grant - District Attorney - $100,000]** **Supervisor Chiu**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $100,000 through the California Department of Insurance, Life and Annuity Consumer Protection Fund, for a program entitled "Life and Annuity Consumer Protection" for FY 2009-2010

10/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

0911[illegible] **[Accept and Expend Grant - Back on Track Re-entry Program Infrastructure and Replication Grant - $400,000]** **Supervisors Chiu, Campos**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $400,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "Back On Track Re-entry Program Infrastructure and Replication Grant" for FY 2009-2012

10/6/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee

0911[illegible] **[Urging the United States federal government to end the U.S. military occupation of Afghanistan]** **Supervisors Avalos, Campos, Daly, Mar, Mirkarimi**

Resolution urging the United States federal government to end the U.S. military occupation of Afghanistan while providing humanitarian aid to support the recovery of the country from the effects of war

10/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

091174 **[Accept and Expend State Grants - Department of Public Health - $18,699.38]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively three grants totaling $18,699.38, from the California Department of Food and Agriculture, for the periods of July 1, 2009, through June 30, 2010, and January 1, 2010, through December 31, 2010

10/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091175 **[Issuance and Sale of Revenue Bonds - Crescent Manor - 467 Turk Street - NTE $11,000,000]** **Supervisor Daly**

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $11,000,000 for financing the acquisition, construction and rehabilitation of Crescent Manor - 467 Turk Street, subject to the requirements of Article IX of Chapter 43 of the Administrative Code

10/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

091176 **[Accept and Expend Grant - Department of Public Health - $20,059]** **Supervisors Dufty, Campos**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $20,059 from the University of California San Francisco, to assist with a project entitled "Monitoring and Evaluation Framework for Improved Health Sustainability in the Philippines," for the period of July 1, 2009, through November 15, 2009

10/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091177 **[Urging San Francisco businesses and community members to contribute to the relief efforts in Samoa, American Samoa, Indonesia and the Philippines to help the islands cope with the effects** **Supervisors Dufty [illegible]**

Resolution urging San Francisco businesses and community members to contribute to the relief efforts in Samoa, American Samoa, Philippines and Indonesia to help the islands [illegible] storms and typhoons that have occurred over the past 10 days

10/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

091178 **[Approval of Lease for Pier 15 and a portion of Pier 17, and related Parking Agreement and Licenses]** **Mayor**

Resolution approving and authorizing a 66-year Lease of Pier 15 and a portion of Pier 17 and related Parking Agreement at Seawall Lot No. 321, two Curb Indent Licenses in front [illegible] between the Exploratorium and the City and County of San Francisco acting by and through the San Francisco Port Commission

(Fiscal Impact)

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091179 **[CEQA Findings in Connection with the Exploratorium Relocation Project]** **Mayor, Supervisors Chiu, Dufty, Chu, Alioto-Pier**

Resolution adopting findings pursuant to the California Environmental Quality Act (CEQA) and Administrative Code Chapter 31 in connection with the Exploratorium Relocation [illegible] the Port of San Francisco, City and County of San Francisco

(Fiscal Impact)

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091180 **[Declaring November 1 - 8, 2009, Community College Week]** **Supervisors Mar, Avalos, Maxwell, Mirkarimi, Chiu [illegible]**

Resolution declaring November 1 - 8, 2009, Community College Week and urging the Governor to work together to come up with a budget for FY 2010-2011 that does not increase student fees and that [illegible] generation, delayed payments, and other creative mechanisms in lieu of cuts to education

10/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Requests for Hearing

091002 **[Presidio Boulevard temporary road closure]** **Supervisors Alioto-Pier, Mar**

Hearing on the Presidio Boulevard temporary road closure and traffic calming study and the Presidio Trust has recently undertaken a month-long traffic management study (from September 29, 2009 to October [illegible] various traffic calming measures, including some short-term road closures, will affect traffic conditions on the major streets and gateways in the park and in surrounding City neighborhoods and to (1) examine the impacts of the [illegible] Boulevard closure on the Presidio and City streets, (2) what the Presidio Trust and the Department of Parking and Traffic learned from the study, and (3) the Presidio Trust's future plans for Presidio Boulevard

10/6/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee

091003 **[Mayor's mid-year budget adjustments]** **Supervisor Avalos**

Hearing to consider the Mayor's mid-year budget adjustments due to General Fund State budget reductions.

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091155 **[City Controller's first quarter report]** **Supervisor Avalos**

Hearing to consider first quarter report from the City Controller, preliminary plans for Mayor's formal budget instructions and status of Board of Supervisors restorations

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091156 **[Status of the San Francisco Unified School District's student assignment system]** **Supervisors Elsbernd, Chu**

Hearing on the status of the San Francisco Unified School District's student assignment system and the proposed redesign of that system scheduled to be in place for the 2011-2012 school year

10/6/09, RECEIVED AND ASSIGNED to City and School District Select Committee

091157 **[Budget Analyst Management Audit of the San Francisco First Offender Prostitution Program]** **Supervisor Mirkarimi**

Hearing before the Government Audits and Oversight Committee to receive and hear Management Audit reports prepared by the Budget Analyst of the First Offender Prostitution Program and the [illegible] payment audit

10/6/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

091075 **[Settlement of Lawsuit - Bernard and Mildred Bolton - $650,000]**

Ordinance authorizing settlement of the lawsuit filed by Bernard and Mildred Bolton against the City and County of San Francisco for $650,000; the lawsuit was filed on [illegible] entitled Bernard and Mildred Bolton, et al., v. City and County of San Francisco, et al. (City Attorney)

9/17/09, RECEIVED AND ASSIGNED to Rules Committee

091076 **[Settlement of Lawsuit - Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco -**

Ordinance authorizing settlement of the lawsuit filed by Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco [illegible] County of San Francisco for $1,750,000; the lawsuit was filed on January 16, 2009, in San Francisco Superior Court, Case No. 484-171, entitled Segundo Malvar Tiongco [illegible] Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco, et al. v. City and County of San Francisco, et al. (City Attorney)

9/17/09, RECEIVED AND ASSIGNED to Rules Committee

091080 **[Settlement of Lawsuit - Duncan Briggs - $65,000]**

Ordinance authorizing settlement of the lawsuit filed by Duncan Briggs against the City and County of San Francisco for $65,000; the lawsuit was filed on August 19, 2008, in San Francisco Superior [illegible] Briggs, et al. v. City and County of San Francisco, et al. (City Attorney)

9/22/09, RECEIVED AND ASSIGNED to Rules Committee.

091086 **[Settlement of Lawsuit - Jeanne Schoenstein - $225,000]**

Ordinance authorizing settlement of the lawsuit filed by Jeanne Schoenstein against the City and County of San Francisco and Marcelo Samame for $225,000 inclusive of attorneys fees and costs [illegible] Francisco Superior Court, Case No. CGC-08-477472; entitled Schoenstein, et al., v. City and County of San Francisco, et al. (City Attorney)

9/22/09, RECEIVED AND ASSIGNED to Rules Committee

PROPOSED RESOLUTIONS

091124 **[Amendment to Treasure Island Land and Structures Master Lease]**

Resolution approving the Thirty Third Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the [illegible]

9/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091125 **[Amendment to Treasure Island South Waterfront Master Lease]**

Resolution approving the Twenty Fifth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U S. Navy to extend the term (Treasure Island Development Authority)

9/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091126 **[Amendment to Treasure Island Marina Master Lease]**

Resolution approving the Thirteenth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U S Navy to extend the term (Treasure Island Development Authority)

9/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

09112 **[Amendment to Event Venues Master Lease]**

Resolution approving the Twenty First Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U S Navy to extend the term (Treasure Island Development Authority)

9/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

Requests Granted

From Supervisor Elsbernd
To City Attorney
To Director, Health Service System
To Director, Department of Public Health
Requesting/Inquiring: Requesting the City Attorney, Health Service System, and Department of Public Health to provide an analysis of proposed Federal legislation and the possible impact on access to and delivery of health care in Sa
In particular

1 If a mandate for health insurance remains in the final legislation, does Healthy San Francisco qualify as an acceptable insurance plan for those uninsured San Franciscans who now must get insurance?
1a If a federal "public option" is created, how does it work with and/or conflict with Healthy San Francisco?
2 Would an excise tax on high cost health plans affect any health benefits afforded to City employees and/or retirees?
3 What, if any, will be the impact on City retirees who receive Medicare?

From Supervisor Mirkarimi
To Director, Department of Public Works
Requesting/Inquiring Requesting the Department of Public Works to report on the status of repairing potholes at the following locations

Potholes and Sidewalk issues
On Broderick, between McAllister and Fulton
Sidewalk on Geary north side, holes in sidewalks from copper plates being removed

From Supervisor Mirkarimi
To Director, Department of Public Works
Requesting/Inquiring Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations

Metal Poles
Northwest corner Masonic and Haight
Southeast corner Buena Vista West and Haight
Southeast corner Hayes and Scott

Wood Poles
In front of 505 Waller
In front of 118 Fillmore
In front of 920 Broderick

From Supervisor Mirkarimi
To Director, Department of Public Works
Requesting/Inquiring Requesting the Department of Public Works to report on the status of removing graffiti from the following locations

Garbage Cans
Southeast corner O'Farrell and Scott
Southeast corner Buena Vista East and Haight
Northeast corner Lyon and Haight, (can is turned over on its side)
Northeast corner Buchanan and Haight

Mailbox
Northeast corner Divisadero and Haight

From Supervisor Mirkarimi
To Director, Department of Public Works
Requesting/Inquiring Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight and southeast corner of Haight and Fillmore

From Supervisor Mirkarimi
To Director, Department of Public Works
Requesting/Inquiring Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations

1880 Turk
423 Laguna
870 Turk
507 Haight
703 Webster
108 Haight
808 Page
150 Haight
2001 Haight
508 Grove
842 Page

55 Laguna
1667 Haight
1559 Haight
1364 Haight
509 Haight
506 Lyon
1429 Fulton
1240 Hayes
800 Haight, on the Scott Street side
769 Haight
325 Webster
482-484 Haight

From Supervisor Mirkarimi
To Director, Department of Public Works
Requesting/Inquiring Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations

Utility Boxes
Southeast corner Ellis and Octavia
Northeast corner of O'Farrell and Scott
Southeast corner Webster and Fell
Southeast corner Divisadero and Hayes
Southwest corner Page and Steiner
Southeast corner Stanyan and Haight
Southeast corner Hayes and Broderick
Northeast corner Broderick and Oak
Southeast corner Scott and Fell
Northeast corner Oak and Webster

Bus Shelters
Southeast corner Scott and Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes
Northwest corner Ellis and Pierce

In Memoriams

Jim Melchar - Board President Chiu

Keith Goldstein - Supervisors Dufty and Alioto-Pier

Michael "Lucas" Rebston - Supervisor Dufty

Don Fisher - Entire Board

Amy Hon Chan - Board President Chiu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:00 p.m

N.B The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up

Approved by the Board of Supervisors on November 3, 2009.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees [illegible]
to testify The full Board does not hold a second public hearing on measures which have been heard in committee
Board procedures do not permit 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying, 2) ringing and use of cell phones, pagers and similar sound [illegible]
removed from the meeting room) 3) signs to be brought into the meeting or displayed in the room, and 4)standing in the Legislative Chamber
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
USING LAPTOP COMPUTERS FOR PRESENTATIONS. Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be te[illegible] The pr[illegible]
arrive 30 minutes prior to the meeting to connect and test their computer
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK Agendas are available on the internet at www sfgov org/site/bdsupvrs_index asp?id=4383
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293
Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability Contact Madeleine Licavoli at (415) 554-7722.
AVISO EN ESPAÑOL. La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

Disability access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible
Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26 Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office Room 244 Assistive listening de[illegible]
available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room To request sign language interpreters, readers, large print agendas or other accommodations please contact Madeleine Licavoli at (415 [illegible]
Requests made at least 48 hours in advance of the meeting will help to ensure availability
The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets) Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations) MUNI bus lines serving the area are the 47 Van Ness [illegible]
For more information about MUNI accessible services, call (415) 923-6142
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex Accessible curbside parking is available on Dr Carlton B Goodlett Place and Grove Stre[illegible]
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensi[illegible]
chemical-based scented products Please help the City to accommodate these individuals

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the pe[illegible]
and that City operations are open to the people's review
For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr Carlton B Goodlett Place, [illegible] 244, S[illegible]
Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http //www.sfgov org/sunshine

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300; fax (415) 581-2317, web site www.sfgov.org/ethics

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES
Tuesday, October 20, 2009
2:00 PM
Legislative Chamber, Room 250
Regular Meeting

Board of Supervisors

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Members Present: *John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi*

Members Excused: *Michela Alioto-Pier*

Members Absent: *None*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Alioto-Pier from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of September 15, 2009, and September 22, 2009. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none

COMMUNICATIONS

There were none

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090992 **[Recreation and Park - Farmers' Market Fees - $475 per market location for six months]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Park Code Section 7.21 to establish farmers' market fees at $475 per market location for six months of operation.

Enacted Number: 217-09
FINALLY PASSED

091067 **[Approve a Lease with the United States of America at the International Terminal of San Francisco International Airport]**

Resolution approving and authorizing the execution of Lease No. GS-09B-01967 with the United States of America for terminal space to be occupied by the U.S. Federal [illegible] San Francisco International Airport. (Airport Commission)

Enacted Number: 406-09
ADOPTED

091142 **[Authorizing local support for the Bridge Preventive Maintenance Program]** Mayor

Resolution authorizing local support for the Department of Public Works Bridge Preventive Maintenance Program and authorizing the Director of Public Works, or designee, [illegible]

Enacted Number: 407-09
ADOPTED

Recommendations of the Land Use and Economic Development Committee

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090791 **[Changing the official sidewalk width - 20th, Minnesota, and Indiana Streets]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1584 to change the official sidewalk width on the north side of 20th Street between Minnesota and Indiana Streets, southwest corner of 20th and Minnesota Streets, and southeast corner of 20th and Indiana Streets, making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1, requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

Enacted Number: 219-09

FINALLY PASSED

Recommendation of the Public Safety Committee

091031 **[Police Department Command Staff]** **Supervisors Campos, Alioto-Pier, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi**

Ordinance amending the San Francisco Administrative Code to authorize the Chief of Police to appoint to any non-civil service rank above the rank of Captain (a) any member of the Police Department who has had supervisory experience over other sworn law enforcement officers, and (b) for a period of five years from the effective date of this ordinance, any sworn law enforcement officer with such supervisory experience from any local, state or federal agency that employs sworn law enforcement officers, provided that only one such officer may hold an appointment at any one time.

Enacted Number: 218-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Severed from the Consent Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

090477 **[Amending Planning Code - South of Market (SOMA) Community Stabilization Fund]** **Supervisor Daly**

Ordinance amending Section 318.2 and 318.7 of the San Francisco Planning Code to clarify certain provisions relating to the South of Market (SOMA) Stabilization Fund to clarify that the Mayor's Office of Community Investment, the successor to the Mayor's Office of Community Development, will manage and expend the Fund, and amending Section 318.3 to clarify that the SOMA Stabilization fee is due before issuance of the final certificate of occupancy or within a time certain after the issuance of a first certificate of occupancy, whichever is sooner, and making certain findings including findings under the California Environmental Quality Act.

Continued to October 27, 2009

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FINAL PASSAGE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

090938 **[San Francisco Special Tax Financing Law]** **Supervisors Mar, Mirkarimi, Campos**

Ordinance to amend the San Francisco Administrative Code Special Tax Financing Law, constituting Article 43.10, to authorize water conservation and water pollution control equipment and improvements as facilities eligible for funding through the formation of special tax districts, the imposition of special taxes, and the issuance of bonds secured by special tax funds and related technical amendments.

Enacted Number: 216-09

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091138 **[Public Employment - Department of Human Resources]** **Supervisor Chiu**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of four (2.32 FTE) Class 1064 IS Programmer Analyst - Principal and four (2.32 FTE) Class 1054 IS Business Analyst - Principal and two (1.16 FTE) Class 1043 IS Engineer - Senior in the Department of Human Resources (DHR).

(Fiscal Impact.)

Supervisor Avalos, seconded by Supervisor Chiu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

[illegible] amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of four (2.32 FTE) Class 1064L IS Programmer Analyst - Principal and four (2.32 FTE) Class 1054L IS Business Analyst - Principal and two (1.16 FTE) Class 1043L [illegible] in the Department of Human Resources (DHR).

(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091168 **[Appropriating $150,000 of General Fund Reserve to General City Responsibility for Emergency Aid Relief in the Philippines, Samoa and Indonesia]** **Supervisors Daly**

Ordinance appropriating $150,000 from the General Fund Reserve to General City Responsibility for emergency aid relief for the people of the Philippines, Samoa and Indonesia related to recent natural disasters for FY 2009-2010, and placing the total appropriation of $150,000 on Budget and Finance Committee reserve pending submittal of a detailed expenditure plan.

(Supervisor Chu dissented in Committee.)

Supervisor Campos requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 1 - Alioto-Pier

091141 **[Appropriating $1,043,160 of Hotel Room Tax Revenue to restore reductions to Convention Facilities in the General Services Agency, City Administrator for FY 2009-2010]** **Supervisors Mirkarimi, [illegible]**

Ordinance appropriating $1,043,160 of Hotel Tax Revenue from the General Fund to restore reductions to the Convention Facilities Fund in the General Services Agency, City Administrator [illegible] Administrative Provision Section 12 11 of the FY 2009-2010 Annual Appropriation Ordinance to reflect the change in Hotel Tax Allocation

(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused 1 - Alioto-Pier

091012 **[Board review and approval of 2009 U.S. Department of Housing and Urban Development Continuum of Care Programs Application]** **Supervisor [illegible]**

Resolution approving the City and County of San Francisco 2009 Grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the [illegible] and approval process for all annual or otherwise recurring grants of $5,000,000 or more.

Enacted Number: 399-09

AOOPTED by the following vote:

Ayes 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused 1 - Alioto-Pier

091054 **[Approval of Department of Building Inspection contracts to provide plan review and field inspection services]**

Resolution approving a Department of Building Inspection interagency agreement to provide plan review and field inspection services to the Transbay Joint Powers Authority, as required by Charter Section 9 118(a) [illegible] Department)

(Fiscal Impact)

Enacted Number: 412-09

ADOPTED by the following vote:

Ayes 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused 1 - Alioto-Pier

091109 **[American Recovery and Reinvestment Act of 2009 Project - Award of Contract for LRV Systems Overhaul - NTE $56,752,554]** **Supervisor [illegible]**

Resolution authorizing the San Francisco Municipal Transportation Agency to enter into Contract No. APT 591-01, LRV Doors and Steps Reconditioning and Systems Overhaul, with AnsaldoBreda Inc. [illegible] and a term not to exceed five years

Enacted Number: 403-09

ADOPTED by the following vote:

Ayes 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused 1 - Alioto-Pier

091110 **[American Recovery and Reinvestment Act of 2009 Project - Award of Contract for Motor Coach Rehabilitation - NTE $12,598,315]** **Supervisor [illegible]**

Resolution authorizing the San Francisco Municipal Transportation Agency to enter into Contract No APT 106-01, Motor Coach Component Life Cycle Rehabilitation Project, with Complete Coach Works, [illegible] and a term not to exceed four years

Enacted Number: 402-09

ADOPTED by the following vote:

Ayes 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused 1 - Alioto-Pier

091139 **[Department of Human Resources - Amendment to CIBER, Inc. Contract - reduced to $4,995,120]** **Supervisor Chiu**

Resolution approving, retroactively, an amendment to the CIBER, Inc. contract to reduce the contract amount to $4,995,120

Enacted Number: 401-09

ADOPTED by the following vote:

Ayes 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused 1 - Alioto-Pier

091056 **[Approve San Francisco Public Utilities Commission Peninsula Region Construction Management Contract - NTE $22,000,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-[illegible] Peninsula Region Construction [illegible] Services, with HDR Engineering, Inc., for an amount not to exceed $22,000,000 with a term of up to 55 months, pursuant to San Francisco Charter Section 9 118 (Public Utilities Commission)

(Fiscal Impact)

Enacted Number: 405-09

ADOPTEO by the following vote:

Ayes 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused 1 - Alioto-Pier

091057 **[Emergency contract to replace main sewer on California Street from Cherry Street to Arguello Boulevard]**

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6 60 to replace the main sewer on California Street from Cherry Street to Arguello Boulevard. (Public Utilities [illegible]

(Fiscal Impact)

Enacted Number: 413-09

ADOPTED by the following vote:

Ayes 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused 1 - Alioto-Pier

Enacted Number: 416-09

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

From the Budget and Finance Committee Without Recommendation

091068 **[Approve amendments to four SFPUC professional engineering services agreements in excess of $10,000,000 each]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase four professional engineering services agreements for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts in excess of $10,000,000 each, pursuant to Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

Privilege of the floor was granted to San Francisco Water Assistant Director, Harlan Kelly, who responded to questions raised throughout the discussion.

Enacted Number: 404-09

ADOPTED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Campos, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee

090981 **[Street Encroachment at 1230-1240 Twin Peaks Boulevard]**

Resolution granting revocable permission to Michael Chung to occupy, excavate and regrade an existing unimproved portion of the public right-of-way to construct and maintain private concrete driveways with retaining walls, walkways and steps with accommodations for drainage and new landscaping to provide pedestrian and vehicular access to two (2) new single family dwellings at 1230-1240 Twin Peaks Boulevard (Block 2821, Lots 022 & 021), conditioned upon the payment of an annual assessment fee, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

Enacted Number: 410-09

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendation of the Public Safety Committee

091032 **[Confidentiality of Juveniles' Immigration Status]** **Supervisors Campos, Avalos, Chiu, Dufty, Mar, Maxwell, Mirkarimi, Daly**

Ordinance amending the San Francisco Administrative Code by amending Sections 12H.2, 12H.2-1, and 12H.3 to allow City law enforcement officers and employees to report information regarding the immigration status of a juvenile to any state or federal agency when the juvenile has been adjudicated to be a ward of the court on the ground of felony conduct, the court makes a finding of probable cause after the District Attorney directly files felony criminal charges against the minor, or the juvenile court determines that the minor is unfit to be tried in juvenile court and the superior court makes a finding of probable cause, and to update references to the federal agency responsible for enforcing federal immigration laws.

(Supervisor Alioto-Pier dissented in committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

091088 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 430 Main Street/429 Beale Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated February 23, 2009, Case No. 2007.1121E, that a project at 430 Main Street/429 Beale Street is exempt from environmental review per Section 15183 of the California Environmental Quality Act Guidelines and California Public Resources Code Section 21083.3. The proposal would demolish two existing one- and two-story concrete buildings on two adjacent parcels and construct an eight-story, approximately 146,000-square foot residential building on the site following merger of the two lots. The new building would include approximately 113 residential units and one subterranean parking level accommodating approximately 57 vehicles within the Rincon Hill Area Plan, a RH DTR (Rincon Hill Downtown Residential Mixed Use)/84-X Height and Bulk District, in Assessor's Block No. 3767, Lot Nos. 305 and 306. (Appellant: Dane Ince on behalf of the Opposition Team to 430 Main Street)

(Filed 9/8/09; Companion Measure to 091089, 091090, 091091; District 6.)

The President inquired as to whether any member of the public wished to address the Board. Steven Williams (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Rahul Pendse; Jan Null, Richard Grassetti, Daphne Smothers, Sun Kim, Cammy Wyndham, Len Westlaw, Judy Hutchinson, Gary Winter, Male Speaker, Lau Gaylen, Devlin and Tanya, Michael Bardley, John Knight, Cecilia Lam, Sasha Harts, Cynthia Munjes, Cindy Maldonado, Julie Norris, David Kellis, Mavin Markle, Kirk Lavallu, Debbie Gold, Ed Walsh, Male Speaker, Peter Chang, Regina Lara, Amy Liam, Gustavo Ayala, Chiu King, Dan Aames, Janne Whittiker, Louise Tallerman, Male Speaker, Ann Hang, Eric Karshe, Andrew Brinkstein, Joseph Kae, spoke in support of the appeal. Bill Wycko, Rick Cooper, Joshua Switzky, Tara Sullivan (Planning Department); Carl Eisler (Engineering Consultant), Tom Rivard (Department of Public Health), and Kate Stacy (City Attorney's Office), provided details of the project and responded to questions raised throughout the discussion. Tuija Catalano (Project Sponsor) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Chris Upsel; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

091089 **[Affirming the exemption determination issued for the 430 Main Street/429 Beale Street project]**

Motion affirming the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from environmental review.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091090 **[Reversing the exemption determination issued for the 430 Main Street/429 Beale Street project]**

Motion reversing the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from environmental review.

Enacted Number: M09-167

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091091 **[Preparation of findings related to the exemption determination for the 430 Main Street/429 Beale Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department [illegible]

Enacted Number: M09-168

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

COMMITTEE REPORTS

Recommendations of the Rules Committee

091008 **[Settlement of Grievance - Elina Sulimov - $130,000]**

Ordinance authorizing settlement of the lawsuit filed by Elina Sulimov against the City and County of San Francisco for $130,000; the lawsuit was filed on December [illegible] 478007 [illegible] Francisco. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091037 **[Settlement of Lawsuit and Disputes and Agreement to Close the Potrero Power Plant - $1,100,000]** **Supervisors Maxwell, Chiu, [illegible]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Mirant Potrero L.L.C. on April 27, 2009, in San Francisco Superior Court, Case No. CGC-09-487-795, entitled City [illegible] et al., v. Mirant Potrero L.L.C., which settlement provides for, among other things, permanent closure of the entire Potrero Power Plant when it is no longer needed for electric reliability, payment by Mirant of $1,100,000 to the City, [illegible] agreement to stay enforcement of the UMB Ordinance for the unoccupied unreinforced masonry buildings located at the Potrero Power Plant site pending a new site reuse plan so long as Mirant maintains the buildings in a safe manner, [illegible] agreement to restrict future uses of the site to prohibit fossil fuel generation after the Plant is shut down, and the City's agreement to priority processing of a future application for entitlements for a proposed [illegible]

PASSED, ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091070 **[Settlement of Lawsuit - Pat Moore/Tom Moore - $120,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore/Tom Moore against the City and County of San Francisco for $120,000; the lawsuit was filed on January [illegible] 436930, entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091071 **[Settlement of Lawsuit - James Cordova/Maria Morales - $35,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for $35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior [illegible] 436930, entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091072 **[Settlement of Lawsuit - Mehrdad Alemozaffar - $385,000]**

Ordinance authorizing settlement of the lawsuit filed by Mehrdad Alemozaffar against the City and County of San Francisco for $385,000; the lawsuit was filed on July 20, 2007, in United States District Court, [illegible] Case No. C07-4494 JSW, entitled Mehrdad Alemozaffar, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091140 **[Settlement of Lawsuit - Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC]** Supervisor Maxwell

Ordinance authorizing settlement of the lawsuit filed by Joseph Imbelloni, Imbelloni Construction Co., Inc.; and Bayside Vista LLC, against the City and County of San Francisco for a Writ of Mandate against the City and County of San Francisco to cease and desist from requiring a residential housing development commonly known as Bayside Vista, 2011 Bayshore Boulevard from compliance with the Visitacion Valley Community Facilities and Infrastructure Fee and Fund; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. CGC-08-478842; entitled Joseph Imbelloni, Imbelloni Construction Co., Inc., Bayside Vista LLC v. City and County of San Francisco, Department of Building Inspection [illegible] Jose Cisneros, Treasurer of the City and County of San Francisco, et al; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. [illegible]

PASSED, ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091073 **[Settlement of Unlitigated Claim - Patty Thomas - $52,250]**

Resolution approving the settlement of the unlitigated claim filed by Patty Thomas against San Francisco for $52,250; claim was filed on March 5, 2009. (City Attorney)

Enacted Number: 411-09

ADOPTED by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

Recommendation of the Government Audit and Oversight Committee/LAFCo

091161 **[Approving Issuance of a Request for Proposals for CleanPowerSF]** **Supervisor Mirkarimi**

Ordinance approving issuance of a Request for Proposals for Community Choice Aggregation (CCA) Services for the San Francisco CCA program, commonly known as CleanPowerSF.

This item was not sent as a Committee Report.

ROLL CALL FOR INTRODUCTIONS

See Off-Agenda Legislation below

PUBLIC COMMENT

Abdullah Megahed, expressed various concerns
James Chaffee, expressed concerns relating to the SF Public Library
Espanola Jackson, expressed concerns relating to loan modifications
Patrick Monette-Shaw, expressed concerns relating to current lay-offs
John Gallagher, expressed concerns relating to personal threat
Walter Paulson, shared in song certain concerns with the Board
Richard Rolph, expressed concerns relating to current lay-offs
Emil Lawrence, expressed concerns relating to contracts
Angela King, expressed concerns relating to community assistance.
Male Speaker, expressed concerns relating to the SF Public Library
Peter Warfield, expressed concerns relating to the SF Public Library
Linda Richardson, expressed concerns relating to loan modifications
Alan Turner, expressed concerns relating to current lay-offs
Peter Smith, expressed concerns relating to current lay-offs
Male Speaker, expressed various religious concerns
Debbie Dobson, expressed concerns relating to current lay-offs
Michael Siegel, expressed concerns relating to current lay-offs
Victoria Gonzalez, expressed concerns relating to current lay-offs
Lucy Vargas, expressed concerns relating to current lay-offs
Female Speaker, expressed concerns relating to loan modifications
Female Speaker, expressed concerns relating to loan modifications.
Male Speaker, expressed concerns in English and Spanish relating to foreclosures
Albert Gonzalez, expressed concerns relating to loan modifications
Female Speaker, expressed concerns relating to loan modifications.
Shirley Jones, expressed concerns relating to loan modifications
Lisa Salesman, expressed concerns relating to loan modifications
Male Speaker, expressed concerns relating to U.S. military occupation of

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091173 **[Accept and Expend State Grant - District Attorney - $100,000]** **Supervisor Chiu**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $100,000 through the California Department of Insurance, Life and Annuity Consumer Protection Fund, for a program entitled "Life and Annuity Consumer Protection" for FY 2009-2010

Enacted Number: 414-09
ADOPTED

091174 **[Accept and Expend State Grants - Department of Public Health - $18,699.38]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively three grants totaling $18,699.38, from the California Department of Food and Agriculture, for the periods of July 1, 2009, through June 30, 2010, and January 1, 2010, through December 31, 2010

Enacted Number: 409-09
ADOPTED

091175 **[Issuance and Sale of Revenue Bonds - Crescent Manor - 467 Turk Street - NTE $11,000,000]** **Supervisor Daly**

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $11,000,000 for financing the acquisition, construction and rehabilitation of Crescent Manor - 467 Turk Street, subject to the requirements of Article IX of Chapter 43 of the Administrative Code

Enacted Number: 397-09
ADOPTED

091176 **[Accept and Expend Grant - Department of Public Health - $20,059]** **Supervisors Dufty, Campos**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $20,059 from the University of California San Francisco, to assist with a project entitled "Monitoring and Evaluation Framework for Improved Health Sustainability in the Philippines;" for the period of July 1, 2009, through November 15, 2009.

Supervisor Campos requested to be added as a co-sponsor
Enacted Number: 408-09
ADOPTED

091177 **[Urging San Francisco businesses and community members to contribute to the relief efforts in Samoa, American Samoa, Indonesia and the Philippines to help the islands cope with the effects** **Supervisors Dufty, Daly, Campos**

Resolution urging San Francisco businesses and community members to contribute to the relief efforts in Samoa, American Samoa, Philippines and Indonesia to help the islands cope with the effects from the devastating earthquake, tsunami storms and typhoons that have occurred over the past 10 days

Supervisors Daly and Campos requested to be added as co-sponsors
Enacted Number: 398-09
ADOPTED

091180 **[Declaring November 1 - 8, 2009, Community College Week]** **Supervisors Mar, Avalos, Maxwell, Mirkarimi, Chiu, Campos**

Resolution declaring November 1 - 8, 2009, Community College Week and urging the Governor to work together to come up with a budget for FY 2010-2011 that does not [illegible] generation, delayed payments, and other creative mechanisms in lieu of cuts to education

Supervisor Campos requested to be added as a co-sponsor.

Enacted Number: 400-09

ADOPTED

091189 **[Final Map - 736 Valencia Street]**

Motion approving Final Map 5568, an Eight Unit Residential and One Unit Commercial Mixed-Use Condominium Project, located at 736 Valencia Street being a subdivision of [illegible] to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 178,354; District 8.)

Enacted Number: M09-169

APPROVED

091190 **[Waiver permitting City employees to assist the Department of Elections with the November 3, 2009, special statewide election]** **Supervisors [illegible]**

Motion granting a waiver from the prohibition imposed by Charter Section 13.104.5, to permit City employees to assist the Department of Elections with the November 3, 2009, special statewide election.

Supervisor Campos requested to be added as a co-sponsor

Enacted Number: M09-170

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately

091173 **[Urging the United States federal government to end the U.S. military occupation of Afghanistan]** **Supervisors Avalos, Campos, Daly, Mar, Mirkarimi**

Resolution urging the United States federal government to end the U.S. military occupation of Afghanistan while providing humanitarian aid to support the recovery of the country from the effects of war

Amended, Page 3, Line 4, deleting "now, therefore, be it" and adding "and,"

Supervisor Avalos, seconded by Supervisor Campos, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Continued to October 27, 2009.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory

Supervisor Dufty, seconded by Supervisor Elsbernd, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

[Brown Act Finding] Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take [illegible] Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091192 **[Eureka Valley/Harvey Milk Memorial Branch Library re-opening]** **Supervisor Dufty**

Resolution recognizing the grand re-opening of the Eureka Valley/Harvey Milk Memorial Branch Library and commending the San Francisco Public Library and its team for their hard work and [illegible]

Enacted Number: 415-09

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

091201 **[Right-of-way Acceptance - DeLong Street between San Diego and Santa Cruz Avenues]** [illegible]

Ordinance accepting offers from Habitat for Humanity San Francisco and the San Francisco Bay Area Rapid Transit District for specified street improvements and property for [illegible] for public right-of-way purposes, approving a map showing such improvements and street areas and declaring such areas to be dedicated open public right-of-way and officially naming this street area as "DeLong Street," [illegible] improvements for public maintenance and liability purposes, subject to specified limitations, officially adopting sidewalk widths and grades for DeLong Street, adopting environmental findings and finding that such [illegible] City's General Plan and the eight priority policies of City Planning Code section 101.1, and authorizing official acts in connection with this ordinance

10/20/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/19/2009.

[illegible] **[Appropriating $734,289 in San Francisco General Hospital to Convert 88 Patient Care Assistant Positions to Certified Nursing Assistant Positions for FY 2009-2010]** **Supervisors Avalos, Mirkarimi, Campos, Mar**

Ordinance appropriating $734,289 in General Fund Reserve to support the cost of converting eighty-eight (88) Patient Care Assistant Positions (Job Classification 2303) to Certified Nursing Assistant Positions (Job Classification 2302) effective January 1, 2010, at San Francisco General Hospital in the Department of Public Health for FY 2009-2010

(Economic Impact)

10/20/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091203 **[Public Employment - Department of Public Health Certified Nursing Assistant conversion at San Francisco General Hospital]** **Supervisors Avalos, Mirkarimi, Mar**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to reflect the conversion of 44.00 FTEs (88.00 positions) from Patient Care Assistants to Certified Nursing Assistants for 13.1 pay periods (January 1, 2010 through June 30, 2010) at San Francisco General Hospital in the Department of Public Health

(Fiscal Impact)

10/20/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091207 **[Extending the Yerba Buena Center Redevelopment Plan]** **Supervisor Daly**

Ordinance approving amendments to the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the plan (other than the Emporium Site) and, upon expiration of the Plan, to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan to continue financing Low and Moderate Income Housing Fund activities under the Plan

10/20/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee

091208 **[24th Street - Noe Valley Neighborhood Commercial District - Conditional Use for New Full-Service and Small Self-Service Restaurants]** **Supervisor Dufty**

Ordinance amending the San Francisco Planning Code by amending Section 728.1 and Sections 728.42, 728.44 and 728.69A of the Zoning Control Table to allow new full-service restaurants, small self-service restaurants, and self-service specialty food establishments with conditional use authorization and removing the Specific Provisions for full-service restaurants, adopting findings, including environmental findings, Section 301 findings, and findings of consistency with the General Plan and the Priority Policies of Section 101.1

10/20/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/19/2009

091210 **[Recreation and Park Department - Turf Athletic Fields]** **Supervisor Mirkarimi**

Ordinance repealing the portion of uncodified Ordinance No. 077-06 that authorizes the Recreation and Park Department (RPD) General Manager to accept future gifts of the synthetic athletic fields ("Turf fields") without the approval of the Board of Supervisors, and adding S.F. Park Code Section 3.21 to require RPD to submit an annual report on the Turf fields to the Board of Supervisors

10/20/09, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/19/2009. Referred to the Youth Commission for informational purposes

091211 **[Carryout Bag Rebate Ordinance]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Environment Code by adding Chapter 20, Sections 2001 through 2005, entitled "Carryout Bag Rebate Ordinance," to require stores in the City and County of San Francisco to provide a rebate to customers for bringing their own carryout bags and to provide penalties for violations

10/20/09, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/19/2009

091217 **[Appropriation Ordinance to Reflect Mayor's State Budget Plan for FY 2009-2010]** **Mayor, Supervisor Avalos**

Ordinance appropriating $18,000,000 of an unallocated reduction to State revenues (State Budget Reserve), including $9,589,000 for the Department of Public Health, $9,600,000 for the Human Services Agency, and $500,000 for the Sheriff's Department, deappropriating $3,448,652 of expenditures in the Department of Public Health consistent with the Mayor's Proposed State Budget Plan, and appropriating and placing $1,759,652 of General City Responsibility General Fund on an appropriated reserve for FY 2009-2010

(Fiscal Impact)

10/20/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091218 **[MOU, Amendment #2 - Local 798, Unit 1]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011

10/20/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee

091219 **[MOU, Amendment #2 - Local 798, Unit 2]** **Mayor**

Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011

10/20/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee

091162 **[Purchaser's authority to permit informal solicitation of certain contracts for purchase of goods or services and to set aside contracts for small local businesses]** **Supervisors Chu, Chiu, Maxwell**

Ordinance amending Administrative Code section 21.5 to allow Purchaser to permit informal solicitation for contracts for commodities and services up to $100,000 and for those contracts utilizing federal grant funds where authorized and to update Purchaser's authority to set aside contracts for local small businesses

10/6/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2009

10/20/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2009

10/20/09, SUBSTITUTED, Supervisor Chu submitted a substitute ordinance bearing same title

Resolutions

091192 **[Eureka Valley/Harvey Milk Memorial Branch Library re-opening]** **Supervisor Dufty**

Resolution recognizing the grand re-opening of the Eureka Valley/Harvey Milk Memorial Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents

10/20/09, ADOPTED

091204 **[Accept and Expend Grant - San Francisco Port Commission - $5,771,340]** **Supervisor Chiu**

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of $5,771,340 from the California Emergency Management Agency for security enhancements at the Port of San Francisco

10/20/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091205 **[Accept and Expend Grant - Airport Commission - $1,700,000]** **Supervisor Chu**

Resolution authorizing the Airport Commission to retroactively accept and expend a grant of $1,700,000 from the California Air Resources Board for the acquisition and operation of a hydrogen vehicle fueling station

10/20/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091206 **[Accept and Expend Grant - Airport Commission - $1,399,709.57]** **Supervisor Chu**

Resolution authorizing the Airport Commission to retroactively accept and expend three (3) grants totaling $1,399,709.57 from the Bay Area Air Quality Management District (Air District) for the retrofit and acquisition of clean air vehicles and infrastructure

10/20/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091209 **[Interim Zoning Controls for the Bayshore Corridor]** **Supervisors Maxwell, Campos, Dufty**

Resolution imposing interim zoning controls to require Conditional Use authorization for all projects that involve (1) establishment of a formula retail use [illegible] new retail uses [illegible] creates a new lot that is 25,000 square feet or larger, for a period of eighteen (18) months, on all properties on lots fronting Bayshore Boulevard, from Jerrold Avenue to the [illegible] the I-280 Freeway; Oakdale Avenue from Loomis Street to Bayshore Boulevard, Marengo Street from Bayshore Boulevard to Waterloo Street, and the west side of Boutwell Street from Industrial Street to the [illegible] be applied in the evaluation of a conditional use permit application, in addition to the criteria listed in Section 303 of the Planning Code, and making findings, including findings of consistency with the priority [illegible] 101.1 and environmental findings

10/20/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee

091212 **[Amendment to the FY 2009-2010 Redevelopment Agency Budget]** **Mayor, [illegible]**

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY 2009-2010 Budget to (1) authorize the expenditure in an amount not to exceed $28, [illegible] Educational Revenue Augmentation Fund, (2) authorize an increase in expenditures in an amount not to exceed $156,000 for additional grant reimbursements from the U.S. Department of Commerce, Economic Development [illegible] (EDA), (3) authorize an increase in expenditures in an amount not to exceed $1,033,417 for additional Housing Opportunities for Persons with AIDS (HOPWA) funding, and (4) approving the issuance by the Redevelopment Agency [illegible] an additional principal amount not to exceed $28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY 2009-2010 of which additional tax increment will be [illegible] such financing thereof

(Fiscal Impact.)

10/20/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091213 **[Accept and Expend Federal/State Grant - Department of Public Library - $5,667]** [illegible]

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $5,667 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) [illegible] of library employees pursuing a degree or certificate in library science at an institution of higher education

10/20/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

091214 **[Urging the State of California Alcoholic Beverage Control office to maintain its San Francisco Office]** **Supervisors Dufty, Chiu, Campos**

Resolution urging the State of California Alcoholic Beverage Control office to maintain its San Francisco Office and continue to provide their crucial necessary services to the citizens of San Francisco

10/20/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

091215 **[Urging SFMTA to implement AB 144 in order to curb abuse of disabled placards]** **Supervisors Dufty, Mar, Campos**

Resolution urging the San Francisco Municipal Transportation Agency to implement California Assembly Bill 144 to curb abuse of disabled placards

10/20/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

091216 **[Support for Irish Unification]** **Supervisors Daly, Mirkarimi, Campos**

Resolution urging the Federal officials to support Irish Unification

10/20/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

091178 **[Approval of Lease for Pier 15 and a portion of Pier 17, and related Parking Agreement and Licenses]** **Mayor, Supervisors Chiu, [illegible]**

Resolution approving and authorizing a 66-year Lease of Pier 15 and a portion of Pier 17 and a related Parking Agreement at Seawall Lot 321, two Curb Indent Licenses in front of Piers 15 and 17 and a Curb Space License [illegible] the Exploratorium and the City and County of San Francisco acting by and through the San Francisco Port Commission

(Fiscal Impact.)

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

10/20/09, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title

10/20/09, ASSIGNED to Budget and Finance Committee

Requests for Hearing

091196 **[Impact of foreclosures and loan modifications in San Francisco]** **Supervisor [illegible]**

Hearing to consider the impact of foreclosures on residents and on the City and County of San Francisco and also address to what extent homeowners are seeking loan modifications and presentations will be provided by the Mayor's Office of Housing, lenders, and organizations supporting homeowners facing default

10/20/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee

091197 **[State Homeland Security Program Grants Distribution]** **Supervisor Campos**

Hearing on the distribution of State Homeland Security Program Grants for the purpose of examining the efficacy and transparency of project administration and San Francisco's role as fiscal agent of these monies

10/20/09, RECEIVED AND ASSIGNED to Public Safety Committee.

091198 **[Bus Inspection Program]** [illegible]

Hearing to get a status update from the Municipal Transportation Agency and San Francisco Police Department on the Bus Inspection Program which will focus on the ongoing Bus Inspection Program [illegible] several police stations in San Francisco and how the TransLink card has been used.

10/20/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee

091199 **[Management Audit of the San Francisco Municipal Transportation Authority Proof of Payment Program]** **Supervisor Dufty**

Hearing on the Management Audit of the San Francisco Municipal Transportation Agency Proof of Payment Program and what changes have been applied to Muni's Proof of Payment Program [illegible]

10/20/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee

091200 **[Inter-departmental coordination with large public and private events in Golden Gate Park]** **Supervisors Mar, Chu**

Hearing to discuss inter-departmental coordination with large public and private events in Golden Gate Park which will be based around transportation, parking, noise, outreach, and neighborhood notification

10/20/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee

Motion

091220 **[Authorizing the Clerk of the Board of Supervisors to Commence Negotiations for the Budget and Legislative Analyst Services]** **Supervisor [illegible]**

Motion directing the Clerk of the Board of Supervisors to begin negotiations with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie and Wong, LLP, A Joint Venture for Budget and Legislative Analyst Services [illegible] (RFP) #BOS-01-424

10/20/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

090678 **[Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]**

Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised use districts within the Bayview Hunters Point Plan Area, and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

9/30/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/30/2009

090998 **[Settlement of Eminent Domain Lawsuit - Pacific Gas and Electric Company - $112,000]**

Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas and Electric Company against the City and County of San Francisco et al., San Mateo Superior Court, Case No 449100, entitled Pacific Gas and Electric v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors' File No 090998. (City Attorney)

10/5/09, RECEIVED AND ASSIGNED to Rules Committee

091186 **[Settlement of Lawsuit - Gavin Smith - $55,000]**

Ordinance authorizing settlement of the lawsuit filed by Gavin Smith against the City and County of San Francisco for $55,000; the lawsuit was filed on April 29, 2009, in San Francisco Superior Court, Case No. CGC-09-487887, entitled Gavin Smith v. City and County of San Francisco. (City Attorney)

10/7/09, RECEIVED AND ASSIGNED to Rules Committee

PROPOSED RESOLUTIONS

091185 **[Approval to Award a Three-Year Lease for Surface Parking Between the Port of San Francisco and Priority Parking-CA, LLC (Lease No. L-14747)]**

Resolution approving a Port Commission Lease with Priority Parking-CA, a California Limited Liability Corporation in the City and County of San Francisco, for certain real property located at SWL 322-I bounded by Front Street and Broadway, SWL 323 bounded by The Embarcadero and Davis Street, SWL 321 bounded by Front Street and Green Street, and SWL 324 bounded by Davis Street, Front Street and The Embarcadero for a term of 3 years. (Port)

(Supervisor Campos dissented in committee.)

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091187 **[Authorizing the Office of Contract Administration to Amend its Contract with Xtech to Increase the Contract Amount to $40,000,000]**

Resolution authorizing the Office of Contract Administration to enter into the Second Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from $12,475,000 to $40,000,000. (Office of Contract Administration)

(Fiscal Impact.)

10/8/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

091188 **[Authorizing the San Francisco Human Services Agency to Apply for State Funds Available for Fraud Prevention and Detection in the In-Home Supportive Services Program]**

Resolution authorizing Human Services Agency to submit a plan for State funding for In-Home Supportive Services fraud investigations and program integrity efforts pursuant to the California State Budget Act of 2009. (Human Services Department)

10/9/09, RECEIVED AND ASSIGNED to Budget and Finance Committee

Requests Granted

From: Supervisor Dufty
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft legislation amending the zoning for 47 Chenery Street in San Francisco to a Special Use District from RH2 so that the property can be allowed to proceed as a mixed use with special conditions attached.

From: Supervisor Dufty
To: Controller
To: Director, Human Rights Commission
To: Director, Department of Technology
Requesting/Inquiring: Requesting that the Controller, Human Rights Commission (HRC) and Department of Technology report on the need and value of upgrading HRC database of certified firms to improve keyword search capabilities.

Improving keyword searches and reflecting Standard Industrial Classifications (SIC) and NAICS Classifications could enable users to refine searches and better identify small and local businesses to bid on City work.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes
Southeast corner Divisadero and Fulton
Northeast corner Stanyan and Waller
Northeast corner Laguna and Market
Northwest corner Golden Gate and Fillmore

Bus Shelters
Southeast corner Masonic and Fulton
Northwest corner Divisadero and Haight
Northeast corner Hayes and Fillmore
Northeast corner Oak and Fillmore

Southeast corner Masonic and Fulton
Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes
Northeast corner Lyon and Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring. Requesting the Department of Public Works to report on the status of removing graffiti from the following locations

Garbage Cans
Southeast corner O'Farrell and Scott
Southeast corner Stanyan and Hayes
Northeast corner Laguna and Market
Northeast corner Central and Haight
Southeast corner Ashbury and Waller
Southwest corner Fillmore and Haight
On the middle block of 1300 Haight

Mailbox
On Fell Street, between Baker and Broderick, near DMV

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring. Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles
Northeast corner McAllister and Fulton
Southeast corner Waller and Clayton
Southwest corner Lassuant and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring. Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations.

850 Cole
200 Divisadero
208 Scott
485 Scott
415 Haight
420 Haight
450 Haight
457 Haight
508 Haight
511 Haight
537 Haight
552 Haight
560 Haight
583 Haight
603 Haight
608 Haight
688 Haight
739 Haight
769 Haight
1300 Haight
1400 Haight
1500 Haight
1420 Haight
1570 Haight
495 Fulton
932 Hayes
338 Fillmore
1578 Fell

From: Supervisor Campos
To: Director, Department of Emergency Management
Requesting/Inquiring. Requesting an accounting of the distribution of CASI grants in fiscal years 2007-08, 2008-09, and 2009-2010 and any other information relevant to the administration of CASI grants [illegible] agent of these monies

In Memoriams

Elder Garlin Bluford - Supervisor Mirkarimi

Lah Rachel Smith - Supervisor Chu

Eric Buschman - Supervisor Avalos

Ramon Ramirez - Supervisors Dufty, Avalos, Elsbernd, and Mirkarimi

Evangeline Hermawan - Supervisor Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:30 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 10, 2009

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the Board [illegible] to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing [illegible] removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required [illegible] arrive 30 minutes prior to the meeting to connect and test their computer.
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293
Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.
AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909

翻譯: 必須在會議前最少四十八小時提出要求
請電: (415) 554-7719

Disability access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible
Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26 Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244 Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY)
Requests made at least 48 hours in advance of the meeting will help to ensure availability
The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets) Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations) MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega
For more information about MUNI accessible services, call (415) 923-6142
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex Accessible curbside parking is available on Dr Carlton B Goodlett Place and Grove Street
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical based scented products Please help the City to accommodate these individuals

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review
For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr Carlton B Goodlett Place, Room 244, San Francisco, CA 94102, by phone at (415) 554-7724 by fax at (415) 554-7854 or by email at sotf@sfgov org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http //www sfgov org/sunshine

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec 2 100] to register and report lobbying activity For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317, web site www sfgov org/ethics

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, October 27, 2009 - 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

JAN 14 2010

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber, Room 250
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee

Volume 104 Number 36

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:13 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President David Chiu inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091141 [Appropriating $1,043,160 of Hotel Room Tax Revenue to restore reductions to Convention Facilities in the General Services Agency, City Administrator for FY 2009-2010]

Sponsor: Mirkarimi

Ordinance appropriating $1,043,160 of Hotel Tax Revenue from the General Fund to restore reductions to the Convention Facilities Fund in the General Services Agency, City Administrator's Office for FY 2009-2010 and amending Administrative Provision Section 12.11 of the FY 2009-2010 Annual Appropriation Ordinance to reflect the change in Hotel Tax Allocation. (Fiscal Impact.)

Ordinance No. 223-09

FINALLY PASSED

091124 [Amendment to Treasure Island Land and Structures Master Lease]
Resolution approving the Thirty Third Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

Resolution No. 425-09

ADOPTED

091125 [Amendment to Treasure Island South Waterfront Master Lease]
Resolution approving the Twenty Fifth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

Resolution No. 424-09

ADOPTED

091126 [Amendment to Treasure Island South Waterfront Master Lease]
Resolution approving the Thirteenth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

Resolution No. 423-09

ADOPTED

091127 [Amendment to Event Venues Master Lease]
Resolution approving the Twenty First Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

Resolution No. 422-09

ADOPTED

Recommendations of the Rules Committee

091008 [Settlement of Grievance - Elina Sulimov - $130,000]
Ordinance authorizing settlement of the lawsuit filed by Elina Sulimov against the City and County of San Francisco for $130,000; the lawsuit was filed on December 26, 2008, Case No. 478007 entitled Elina Sulimov, v. City and County of San Francisco. (City Attorney)

Ordinance No. 214-09

FINALLY PASSED

091037 [Settlement of Lawsuit and Disputes and Agreement to Close the Potrero Power Plant - $1,100,000]

Sponsors: Maxwell; Chiu and Alioto-Pier

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Mirant Potrero L.L.C. on April 27, 2009, in San Francisco Superior Court, Case No. CGC 09-487-795; entitled City and County of San Francisco, et al., v. Mirant Potrero L.L.C., which settlement provides for, among other things, permanent closure of the entire Potrero Power Plant when it is no longer needed for electric reliability, payment by Mirant of $1,100,000 to the City, the City's agreement to stay enforcement of the UMB Ordinance for the unoccupied unreinforced masonry buildings located at the Potrero Power Plant site pending a new site reuse plan so long as Mirant maintains the buildings in a safe manner, Mirant's agreement to restrict future uses of the site to prohibit fossil fuel generation after the Plant is shut down, and the City's agreement to priority processing of a future application for entitlements for a proposed site reuse plan.

Ordinance No. 220-09

FINALLY PASSED

091070 [Settlement of Lawsuit - Pat Moore/Tom Moore - $120,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore/Tom Moore against the City and County of San Francisco for $120,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 224-09

FINALLY PASSED

091071 [Settlement of Lawsuit - James Cordova/Maria Morales - $35,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for $35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 225-09

FINALLY PASSED

091072 [Settlement of Lawsuit - Mehrdad Alemozaffar - $385,000]

Ordinance authorizing settlement of the lawsuit filed by Mehrdad Alemozaffar against the City and County of San Francisco for $385,000; the lawsuit was filed on July 20, 2007, in United States District Court, Northern District of California, Case No. C07-4494 JSW; entitled Mehrdad Alemozaffar, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 226-09

FINALLY PASSED

091140 [Settlement of Lawsuit - Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC]

Sponsor: Maxwell

Ordinance authorizing settlement of the lawsuit filed by Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC, against the City and County of San Francisco for a Writ of Mandate against the City and County of San Francisco to cease and desist from requiring a residential housing development commonly known as Bayside Vista, 2011 Bayshore Boulevard from compliance with the Visitacion Valley Community Facilities and Infrastructure Fee and Fund; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. CGC-08-478842; entitled Joseph Imbelloni; Imbelloni Construction Co., Inc.; Bayside Vista LLC v. City and County of San Francisco; Department of Building Inspection; Jose Cisneros, Treasurer of the City and County of San Francisco, et al; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 091140.

Ordinance No. 215-09

FINALLY PASSED

091123 [Appointment, Bicycle Advisory Committee - Ariella Hyman]

Motion appointing Ariella Hyman, term ending November 19, 2010, to the Bicycle Advisory Committee.

Ariella Hyman, succeeding Andrew Bindman, term expired, seat 1, must be a nominee of District 1 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2010 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

Motion No. M09-172

APPROVED

091130 [Appointment, Public Utilities Commission Rate Fairness Board - Donald Hilla]

Motion appointing Donald Hilla, for an indefinite term, to the Public Utilities Commission Rate Fairness Board.

Donald Hilla, succeeding William Wilkinson, resigned, seat 2, must be a small business city retail customer, for an indefinite term.

Motion No. M09-171

APPROVED

091131 [Appointment, Children and Family First Commission - Maria Su]

Motion appointing Maria Su, for an indefinite term, to the Children and Families First Commission.

Maria Su, succeeding September Jarrett, resigned, seat 4, must be the Director of the Office of Children, Youth and Their Families or his or her designee, for an indefinite term.

Motion No. M09-173

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

091138 [Public Employment - Department of Human Resources]

Sponsor: Chiu

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of four (2.32 FTE) Class 1064L IS Programmer Analyst - Principal and four (2.32 FTE) Class 1054L IS Business Analyst - Principal and two (1.16 FTE) Class 1043L IS Engineer - Senior in the Department of Human Resources (DHR).
(Fiscal Impact.)

Ordinance No. 227-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091168 [Appropriating $150,000 of General Fund Reserve to General City Responsibility for Emergency Aid Relief in the Philippines, Samoa and Indonesia]

Sponsors: Daly; Campos

Ordinance appropriating $150,000 from the General Fund Reserve to General City Responsibility for emergency aid relief for the people of the Philippines, Samoa and Indonesia related to recent natural disasters for Fiscal Year 2009-2010, and placing the total appropriation of $150,000 on Budget and Finance Committee reserve pending submittal of a detailed expenditure plan.
(Supervisor Chu dissented in Committee.)

Ordinance No. 221-09

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Land Use and Economic Development Committee

090477 [Amending Planning Code - South of Market (SOMA) Community Stabilization Fund]

Sponsor: Daly

Ordinance amending Section 318.2 and 318.7 of the San Francisco Planning Code to clarify certain provisions relating to the South of Market (SOMA) Stabilization Fund to clarify that the Mayor's Office of Community Investment, the successor to the Mayor's Office of Community Development, will manage and expend the Fund; and amending Section 318.3 to clarify that the SOMA Stabilization fee is due before issuance of the final certificate of occupancy or within a time certain after the issuance of a first certificate of occupancy, whichever is sooner; and making certain findings including findings under the California Environmental Quality Act.

Ordinance No. 222-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

091032 [Confidentiality of Juveniles' Immigration Status]

Sponsors: Campos; Avalos, Chiu, Dufty, Mar, Maxwell, Mirkarimi and Daly

Ordinance amending the San Francisco Administrative Code by amending Sections 12H.2, 12H.2-1, and 12H.3 to allow City law enforcement officers and employees to report information regarding the immigration status of a juvenile to any state or federal agency when the juvenile has been adjudicated to be a ward of the court on the ground of felony conduct, the court makes a finding of probable cause after the District Attorney directly files felony criminal charges against the minor, or the juvenile court determines that the minor is unfit to be tried in juvenile court and the superior court makes a finding of probable cause; and to update references to the federal agency responsible for enforcing federal immigration laws.
(Supervisor Alioto-Pier dissented in committee.)

Ordinance No. 228-09

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090999 [Waiving contracting provisions to allow the City to meet State requirements to participate in Proposition 1A bond sale]

Sponsors: Mayor; Avalos

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; and (2) waiving certain City contracting provisions that are not allowed by the State under the State's standard form of purchase and sale agreement with the California Statewide Communities Development Authority and thus allowing the City to meet the deadline to participate in the State program to issue bonds to offset the adverse effects of the State's Proposition 1A borrowing of local property taxes.
(Fiscal Impact.)

Ordinance No. 213-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091094 [Approving agreements for procurement, installation and implementation of San Francisco Public Utilities Commission Advanced Meter Infrastructure System]

Ordinance approving agreements necessary for the procurement, installation and implementation of the San Francisco Public Utilities Commission's Advanced Meter Infrastructure System, including Water Enterprise Agreement No. CS-936 with VSI Meter Services, Inc., related software license and maintenance agreements with Aclara RF Systems Inc., and a related source code escrow agreement with Aclara RF Systems and U.S. Bank National Association, under Charter Section 9.118; making findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; and ratifying the procurement and contracting processes used by the San Francisco Public Utilities Commission. (Public Utilities Commission)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091169 [Accept and Expend Federal Grant - Police Department - $16,562,750]

Sponsor: Mayor

Ordinance authorizing the City and County of San Francisco's Police Department to retroactively accept and expend ARRA grant funds in the amount of $16,562,750 from the U.S. Department of Justice COPS Program for implementation of the COPS Hiring Recovery Program to hire 50 new Q-2 San Francisco Police Officers and placing $14,112,750 of the accepted funds on Budget and Finance Committee reserve and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091000 [Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Certain Other Actions in Connection with Proposition 1A Bond Sale]

Sponsors: Mayor; Avalos

Resolution approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the City's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith.
(Fiscal Impact.)

Resolution No. 396-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091095 [Lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment]

Resolution approving the lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment for the San Francisco Public Utilities Commission; approving the form of a lease purchase financing agreement between the Public Utilities Commission and a lender to be named therein, authorizing the selection of such lender, and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

Resolution No. 427-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091167 [Broadway Family Apartments Revenue Bonds]

Sponsor: Chiu

Resolution approving the reissuance of not to exceed $19,200,000 aggregate principal amount of City and County of San Francisco Multi-family Housing Revenue Bonds Series 2004a (Broadway Family Apartments) pursuant to Section 147(f) of the Internal Revenue Code of 1986; approving the Fifth Amendment to Loan Agreement and Fifth Supplemental Indenture; ratifying previous actions; and authorizing the execution and delivery of documents and instruments.

Resolution No. 419-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

Supervisor Alioto-Pier Excused from Voting

Supervisor Dufty, seconded by Supervisor Mar, moved to excuse Supervisor Alioto-Pier from voting on File No. 091111. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier
Absent: 1 - Campos

Recommendation of the City Operations and Neighborhood Services Committee

091111 [Support Assembly Bill 1019 - Alcohol-Related Services Act]

Sponsors: Dufty; Daly, Avalos, Mirkarimi and Campos

Resolution urging support of Assembly Bill 1019, the Alcohol-Related Services Act to deliver services to, and ensure the public health and safety of, the people of California supported by a reasonable and rational mitigation fee.

Resolution No. 428-09

Supervisors Mirkarimi and Campos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier
Absent: 1 - Campos

Recommendations of the Land Use and Economic Development Committee

090780 [Revisions to Division I of the San Francisco Transportation Code]

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 6.7, 7.2.12, 7.2.26, 7.2.27, 7.2.28, 7.2.29, 7.2.71, 7.2.80, 7.2.101, 7.3.3 and 8.1 to change existing posting requirements for temporary parking restriction signs; amend the requirements for street barricades for street fairs; provide that yellow or white zones may be indicated by either yellow or white paint on the curb or signage; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that any violation of Division II, Section 903 is a violation of Section 7.2.71; prohibit taxicab operators from leaving a vehicle unattended in certain use districts; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line unless on a line, route or location designated by the SFMTA; provide that four or more violations of Section 7.2.71 within one year constitute a misdemeanor; repeal noticing requirements for towing vehicles on public streets; and clarify applicable restrictions and references to Division II; and repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park. (Municipal Transportation Agency)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

090931 [Rental Subsidy Program for Low-Income Families]

Sponsors: Avalos; Campos, Mar and Mirkarimi

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, on Page 3, Line 14, by replacing "eligible" with "who meet program eligibility requirements"; AMENDED, on Page 4, Line 21, by adding "Further resolved, the Controller shall report to the Board, within twelve months of the adoption of this ordinance, on the efficacy of the program."; AMENDED, on Page 4, Line 22, by replacing "Families may remain in the Rental Subsidy Program for up to five years" with "The length of the subsidy shall be based on a social economic service plan agreed upon mutually by the provider and the client, and may be extended for 12 months at a time up to 5 years, provided that the client continues to meet program requirements." The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, on Page 4, Line 21, by adding "Further resolved, the Controller shall report to the Board, within twelve months of the adoption of this ordinance, on the efficacy of the program, by surveying families and analyzing outcomes." The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

090937 [Accept and Expend Federal Grant - Airport Commission - $700,500]

Sponsor: Elsbernd

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $700,500 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

Resolution No. 421-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090523 [Eastern Neighborhoods Citizens Advisory Committee]
Sponsors: Daly; Campos
Ordinance amending the Administrative Code Section 10E.2 concerning the qualifications for and number of members on the Eastern Neighborhoods Citizens Advisory Committee.

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090833 [Lobbyist Ordinance Amendments]
Sponsor: Chiu
Ordinance amending Chapter I of Article II of the Campaign and Governmental Conduct Code by amending Sections 2.100, 2.105, 2.110, 2.115, 2.117, 2.130, 2.135, 2.140, 2.145 and 2.150, adding Section 2.116, and deleting Sections 2.125 and 2.160, to simplify registration requirements, adopt a more equitable fee structure, ease electronic filing of lobbyist disclosures, and establish an effective date for these amendments.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090989 [Campaign Finance Reform Ordinance amendments]
Sponsor: Daly
Ordinance amending Article I, Chapter I of the Campaign & Governmental Conduct Code by amending sections 1.100, 1.104, 1.107, 1.108, 1.112, 1.113, 1.114, 1.118, 1.122, 1.128, 1.130, 1.134, 1.135, 1.136, 1.140, 1.142, 1.144, 1.146, 1.148, 1.150, 1.152, 1.156, 1.161, 1.161.5, 1.168, 1.170, deleting sections 1.134.5, 1.158, and 1.160, and adding sections 1.109, 1.143, 1.171, and 1.175 to refine and conform definitions; to eliminate and streamline reporting requirements; to authorize greater electronic filing; to adjust expenditure ceilings for inflation; to clarify the permissible uses of campaign funds; to provide that certain candidates are eligible to accept Voluntary Expenditure Ceilings; to set forth the instances in which the Ethics Commission will lift Voluntary Expenditure Ceilings; to modify how public funds are disbursed to eligible candidates; to clarify the requirements for third-party reporting; to amend the statute of limitations for administrative actions; and to impose record retention requirements on local committees. (Supervisor Alioto-Pier dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091060 [Confirming the appointment of Claudine Cheng to the Treasure Island Development Authority Board of Directors]

Sponsor: Mayor

Motion confirming the appointment of Claudine Cheng to the Treasure Island Development Authority Board of Directors for a four-year term ending February 26, 2010.
(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - August 24, 2009.)
(Supervisor Daly dissented in Committee.)

Motion No. M09-174

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091034 [Extending the term of the Joint City and School District Committe for one year]

Sponsor: Elsbernd

Motion amending Rule 5.7 of the Board of Supervisors' Rules of Order to extend the term of the Joint City and School Committe for one year.

Motion No. M09-175

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Rules Committee Without Recommendation

090795 [Prohibiting City employees and officers from raising funds for City departments]

Sponsor: Daly

Ordinance adding a new Chapter 5 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.500, 3.505, 3.510 and 3.515, to prohibit City employees and officers from soliciting donations to nonprofit organizations to fund City departments from persons doing business with those departments.

Supervisor Daly, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to November 3, 2009. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Chiu, seconded by Supervisor Campos, moved that this Ordinance be AMENDED to (1) apply the prohibition on solicitations to all City employees and officers required to file Statements of Economic Interest, regardless of their departments or job duties, and (2) limit the definition of "has business with" to include only filing an application under the Planning or Building Code. The motion FAILED by the following vote:

Ayes: 5 - Campos, Chiu, Dufty, Elsbernd, Maxwell
Noes: 6 - Alioto-Pier, Avalos, Chu, Daly, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi introduced, welcomed, and presented a Certificate of Honor to Cynthia Marcopulos in recognition of 28 years of work, service, tireless volunteerism, and progressive activism.

COMMITTEE REPORTS

091161 [Approving Issuance of a Request for Proposals for CleanPowerSF]

Sponsors: Mirkarimi; Mar, Campos and Dufty

Ordinance approving issuance of a Request for Proposals for Community Choice Aggregation (CCA) Services for the San Francisco CCA program, commonly known as CleanPowerSF.

Supervisors Mar and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Tom Gallagher; expressed concerns relating to legislation in support of Irish unification.
Male Speaker; expressed concerns relating to public comment.
Richard McRee; expressed concerns relating architectural design.
Male Speaker; expressed various religious concerns.
Robert Haalan (SEIU); expressed concerns relating to current lay-off notices.
Female Speaker; expressed support of Irish unification.
Female Speaker; expressed support of Irish unification.
Male Speaker; expressed support of Irish unification.
Sawyer Castillo; expressed support for AB 1019.
Male Speaker; expressed support of Irish unification.
Jeff Adachi; expressed concerns relating to current vacancies.
Elvin Dufty; expressed concerns relating to service cuts.
Male Speaker; expressed support for Irish unification.
Male Speaker; expressed various concerns.
Michael Campbell; expressed support for Irish unification.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091213 [Accept and Expend Federal/State Grant - Department of Public Library - $5,667]

Sponsor: Chu

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $5,667 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

Resolution No. 420-09

ADOPTED

091214 [Urging the State of California Alcoholic Beverage Control office to maintain its San Francisco Office]

Sponsors: Dufty; Chiu and Campos

Resolution urging the State of California Alcoholic Beverage Control office to maintain its San Francisco Office and continue to provide their crucial necessary services to the Citizens of San Francisco.

Resolution No. 426-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091215 [Urging SFMTA to implement AB 144 in order to curb abuse of disabled placards]

Sponsors: Dufty; Mar and Campos

Resolution urging the San Francisco Municipal Transportation Agency to implement California Assembly Bill 144 to curb abuse of disabled placards.

Resolution No. 418-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091216 [Support for Irish Unification]

Sponsors: Daly; Mirkarimi and Campos

Resolution urging the Federal officials to support Irish Unification.

Resolution No. 417-09

Supervisors Mirkarimi and Campos requested to be added as co-sponsors.

ADOPTED

091193 [Final Map - 1169 Market Street]

Motion approving Final Map 4820, a Merger and 2 Lot Resubdivision, Parcel "A" being an 80 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 1169 Market Street being a subdivision of Lots 039, 051, and 052 in Assessors Block No. 3702 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(DPW Order 178,361; District 6.)

Motion No. M09-176

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

091173 [Urging the United States federal government to end the U.S. military occupation of Afghanistan]

Sponsors: Avalos; Campos, Daly, Mar and Mirkarimi

Resolution urging the United States federal government to end the U.S. military occupation of Afghanistan while providing humanitarian aid to support the recovery of the country from the effects of war.

Resolution No. 429-09

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Supervisor Avalos requested that this matter be severed so that it might be considered separately.

091220 [Authorizing the Clerk of the Board of Supervisors to Commence Negotiation for the Budget and Legislative Analyst Services]

Sponsor: Avalos

Motion directing the Clerk of the Board of Supervisors to begin negotiations with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie and Wong, LLP, A Joint Venture, for Budget and Legislative Analyst Services per Request for Proposal (RFP) #BOS-01-424.

Motion No. M09-177

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

091233 [Amendments to Chapters 6 and 21, Related to False Claims]

Sponsor: Alioto-Pier

Ordinance amending Administrative Code Sections 6.22, 6.42, and 21.35 to clarify that the false claims provisions of Chapters 6 and 12 are statutory rather than contractual and to eliminate the requirement that such provisions be incorporated into public works contracts or professional services contracts.

10/27/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/26/2009.

091241 [Veterans Affairs Commission to Expand Membership and Establish Residency Requirement]

Sponsor: Alioto-Pier

Ordinance amending Administrative Code Section 5.102 to expand the number of members from 15 to 17 and establish a requirement that members reside in the City and County of San Francisco.

10/27/09; RECEIVED AND ASSIGNED to Rules Committee.

091246 [Appropriating $7,057,111 to Restore Positions Effective November 16, 2009, in the Department of Public Health for FY 2009-2010]

Sponsors: Daly; Mirkarimi, Mar and Campos

Ordinance appropriating $7,057,111 in General Fund Reserve to add 322.39 full-time equivalent positions and delete 272.95 full-time equivalent positions effective November 16, 2009, in the Department of Public Health for FY 2009-2010.
(Fiscal Impact.)

10/27/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091247 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Daly; Campos

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.95 FTEs in various job classes for 16.3 pay periods (November 16, 2009, through June 30, 2010) in the Department of Public Health.
(Fiscal Impact.)

10/27/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091251 [Development Fee Collection Procedure; Administrative Fee]

Sponsor: Mayor

Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the development fees, to require that any in-kind public benefit benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; adopting findings, including environmental findings.

10/27/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091252 [Affordable Housing Transfer Fee Restriction Alternative for Inclusionary and Jobs Housing Linkage Programs]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by amending Sections 313.4 and 315.5 and by adding Section 313.16 to add an alternative for compliance with the Jobs Housing Linkage Program and the Residential Inclusionary Affordable Housing Program by allowing a project sponsor to defer 33% of its obligation under either Program in exchange for recording an Affordable Housing Transfer Fee Restriction on the affected property providing that 1% of the value of the property be paid to the Citywide Affordable Housing Fund at every future transfer of the Property.
(Economic Impact.)

10/27/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/26/2009.

091260 [Payment of Award to John Doe - $10,000]
Sponsor: Dufty
Ordinance authorizing payment of a $10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the death of Jaquain Williams.
(Fiscal Impact.)

10/27/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091261 [Payment of Award to John Doe - $10,000]
Sponsor: Dufty
Ordinance authorizing payment of a $10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the deaths of Jovanie Banks and Michael Hill.
(Fiscal Impact.)

10/27/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

091242 [U.S. Navy - Public Participation in the Hunters Point Shipyard Restoration Project]
Sponsors: Maxwell; Mar
Resolution urging the United States Navy to reinstate the Restoration Advisory Board of the Hunters Point Shipyard and/or provide other appropriate forums to ensure meaningful public participation in the cleanup process.

10/27/09; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

091243 [Support Goals for Federal Funding - Community Development Block Grant]
Sponsor: Avalos
Resolution supporting FY 2010-2011 Community Development Block Grant Action Plan Goals.

10/27/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091244 [Accept and Expend Grant - San Francisco Elder Abuse Project - $300,000]
Sponsor: Chiu
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $300,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "San Francisco Elder Abuse Project" for FY July 2009 through June 2012.

10/27/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091245 [Accept and Expend Grant - Center for Academic Re-entry for Truant Students - $238,000]
Sponsor: Chiu
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $238,000 through the United States Department of Education, for a program entitled "Center for Academic Re-Entry Expansion Project for Truant Students" for the period from August 24, 2009, through August 31, 2011.

10/27/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091248 [Resolution of Intention to Establish Special Tax District No. 2009-1]

Sponsors: Mayor; Mar

Resolution of Intention to establish special tax district to finance energy efficiency and renewable energy capital improvements to residential, commercial, industrial, or other property; to establish boundaries of the Special Tax District; to specify the rate or rates of Special Tax applicable to a parcel or parcels in the Special Tax District; to authorize the issuance of up to $150,000,000 of Special Tax Bonds to finance the capital improvements; to call a public hearing on the establishment of the Special Tax District and provide for the publication of notice thereof; and other matters relating thereto.

10/27/09; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

091249 [Resolution of Intention to Incur Bonded Indebtedness in an Amount Not to Exceed $150,000,000]

Sponsors: Mayor; Mar

Resolution of Intention to incur bonded indebtedness in an amount not greater than $150,000,000 of special tax bonds to finance the costs of energy efficiency, water conservation and renewable energy projects on real property.

10/27/09; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

091250 [Granting Approval of Public Defender Personnel Requisition Requests]

Sponsors: Mirkarimi; Campos

Resolution, pursuant to Annual Salary Ordinance Section 1.1C, granting approval of the Office of the Public Defender's Personnel Requisitions Nos. PE8017/1106107, PE8018/1106108, P8030/1106096, P8031/1106098, DP8004/1106097, P8032/1106948 and P8033/1107530 to fill vacant positions.
(Fiscal Impact.)

10/27/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091253 [Accept and Expend Grant - H1N1 Swine Flu Information and Guidance Team - $180,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $180,000 from the Metta Fund to support the Swine Flu Information and Guidance Team; for the period of October 6, 2009, through October 5, 2010.

10/27/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091255 [Declaring November 8th to November 14th, 2009, Radiology Week in San Francisco]

Sponsors: Dufty; Campos

Resolution declaring November 8th to November 14th, 2009 Radiology Week in San Francisco.

10/27/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091256 [Celebrating the Cliff House on its Centennial of the 1909 building]

Resolution celebrating the Cliff House on its Centennial of the 1909 building.

10/27/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091257 [Approval of Additional Emergency Work at Midtown Park Apartments]

Sponsor: Mirkarimi

Resolution authorizing the Director of the Mayor's Office of Housing to take all necessary measures to protect the health and safety of the residents of Midtown Park Apartments by performing additional emergency repairs to the sewer systems and exterior staircases.

10/27/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091258 [Proclaiming November 5, 2009, as Elaine Mikels Day]

Sponsors: Chiu; Campos

Resolution proclaiming November 5, 2009, as "Elaine Mikels Day" in San Francisco.

10/27/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091259 [Approval of a 30 day extension for Planning Commission review.]

Sponsor: Chiu

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non use for a nonconforming Tobacco Paraphernalia Establishment use be deemed discontinued in the Polk Street NCD from three years to eighteen months, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and environmental findings.

10/27/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

091221 [The Current Economic Crisis: Impact and Recommendations for San Francisco's Women and Girls]

Sponsors: Alioto-Pier; Maxwell and Chu

Hearing from experts, including the Department on the Status of Women, on the current economic crisis and its impact on women and girls which will focus on the recommendations, including a "buy local" purchasing policy, systems to engage women in construction and trade jobs created by the stimulus package and increased childcare slots and supports for working parents.

10/27/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091224 [Development and Implementation of the San Francisco Crisis Care Program]

Sponsor: Alioto-Pier

Hearing on the development and implementation of a Crisis Care Program in the City and County of San Francisco, to examine how the City and County of San Francisco can assist in the development and implementation of the San Francisco Crisis Care Program which is a community based coalition, whose mission is to help people impacted by traumatic events rebuild healthy, fulfilling, productive lives and by providing on-scene personal support to survivors traumatized by suicides, homicides, accidents and other daily tragedies.

10/27/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091225 [Entertainment Commission/Police Department's Review on Violence and Public Safety Incidents Associated with Entertainment Venues]

Sponsor: Chiu

Hearing to review statistics from the Entertainment Commission and the Police Department regarding violence and public safety incidents associated with entertainment venues and to receive updates about the Entertainment Commission's review of relevant complaints.

10/27/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091228 [San Francisco's Coordination with City Agencies for the Flu Season]

Sponsor: Mar

Hearing to discuss the City of San Francisco's coordination with the Department of Public Health, other relevant agencies, and the San Francisco Unified School District in preparing for the flu season and the very serious H1N1 virus which will especially focus on at risk residents and communities.

10/27/09; RECEIVED AND ASSIGNED to Public Safety Committee.

Motion

091254 [Adopting Findings Reversing the Exemption Determination for the 430 Main Street/429 Beale Street Project]

Sponsor: Daly

Motion adopting findings reversing the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from further environmental review. (Clerk of the Board)

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following location:

Potholes and Sidewalk issues
On Steiner, South side of Fulton, East side of street

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

1328 Turk (on the Webster side of building)
423 Laguna
754 Fell
1559 Fulton
1020 Haight
525 Haight
537 Haight
528 Haight
508 Haight
539 Gough
428 Haight
424 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles
Northwest corner Turk & Webster
Southeast corner Ash & Gough
Southwest corner Waller & Fillmore
Northeast corner McAllister & Fillmore

Wood Pole
Northeast corner Page & Webster
From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes
Northwest corner Pine & Fillmore
Across the street from 750 Stanyan

Bus Shelter
Northwest corner McAllister & Fillmore
Northwest corner Hayes & Steiner
Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes
Northwest corner Bush & Webster
Southwest corner Grove & Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status or removing graffiti from the following locations:

Garbage Cans
Southeast corner Beulah & Stanyan
Southeast corner Stanyan & Hayes
Northwest corner Broderick & Haight
Northeast corner Golden Gate & Webster
Southeast corner Buena Vista West & Haight
Southeast corner Buena Vista East & Haight
Southwest corner of Fillmore & Haight

Mailbox
Northwest corner Sutter & Fillmore

Street Wall and Overpasses
On Geary & Webster, middle of overpass, East side of street

Sidewalk
Southeast corner Divisadero & Grove

From: Supervisor Mirkarimi
To: Director, Department of Public works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore & Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Northwest corner of Hayes & Fillmore
Southeast corner of Fillmore & Haight

San Francisco Chronicle
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic

Examiner
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore

SF Daily
Northwest corner of Hayes & Gough

City Star
Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly
Southeast corner of Masonic & Haight
Southeast corner of Haight & Fillmore

In Memoriams

John Baldwin O'Brien - Supervisor Alioto-Pier
Nancy M. Daly - Supervisors Alioto-Pier and Dufty
Dr. Louis Batmale - Supervisor Alioto-Pier
Jamen Amato - Supervisor Alioto-Pier
John Melone - Supervisor Daly

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:44 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 5, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, November 3, 2009 - 2:00 PM

Legislative Chamber, Room 250
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee

Volume 104 Number 37

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Avalos, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of October 6, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

AGENDA CHANGES

There were none.

COMMUNICATIONS

Clerk of the Board, Angela Calvillo, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 091032 which would amend the Sanctuary Ordinance. Direction was given to the Clerk of the Board to agendize this matter at the Regular Meeting of November 10, 2009.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091094 [Approving agreements for procurement, installation and implementation of San Francisco Public Utilities Commission Advanced Meter Infrastructure System]

Ordinance approving agreements necessary for the procurement, installation and implementation of the San Francisco Public Utilities Commission's Advanced Meter Infrastructure System, including Water Enterprise Agreement No. CS-936 with VSI Meter Services, Inc., related software license and maintenance agreements with Aclara RF Systems Inc., and a related source code escrow agreement with Aclara RF Systems and U.S. Bank National Association, under Charter Section 9.118; making findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; and ratifying the procurement and contracting processes used by the San Francisco Public Utilities Commission. (Public Utilities Commission)

Ordinance No. 236-09

FINALLY PASSED

091169 [Accept and Expend Federal Grant - Police Department - $16,562,750]
Sponsor: Mayor
Ordinance authorizing the City and County of San Francisco's Police Department to retroactively accept and expend ARRA grant funds in the amount of $16,562,750 from the U.S. Department of Justice COPS Program for implementation of the COPS Hiring Recovery Program to hire 50 new Q-2 San Francisco Police Officers and placing $14,112,750 of the accepted funds on Budget and Finance Committee reserve and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.
(Fiscal Impact.)

Ordinance No. 233-09

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

091164 [Accept and Expend Grant - Department of Public Health - $282,150]
Sponsor: Chu
Resolution authorizing the San Francisco Department of Public Health of the City and County of San Francisco to accept and expend retroactively a grant from the Health and Human Services Administration in the amount of $282,150 to upgrade radiology equipment in the Trauma Center at San Francisco General Hospital; for the period of September 1, 2009, through February 28, 2011.

Resolution No. 439-09

ADOPTED

091170 [Accept and Expend State Grant - Urban Auto Fraud Interdiction Program - $250,000]
Sponsor: Chiu
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $250,000 through the California Department of Insurance, Fraud Division, Local Assistance Program, for a program entitled Organized Automobile Fraud Activity Interdiction Program ("Urban Auto") for FY 2009-2010.

Resolution No. 440-09

ADOPTED

091172 [Accept and Expend Federal Grant - Back on Track Re-entry Program Infrastructure and Replication Grant - $400,000]
Sponsor: Chiu
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $400,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "Back On Track Re-entry Program Infrastructure and Replication Grant" for FY 2009-2012.

Resolution No. 433-09

ADOPTED

Recommendation of the Land Use and Economic Development Committee

090780 [Revisions to Division I of the San Francisco Transportation Code]

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 6.7, 7.2.12, 7.2.26, 7.2.27, 7.2.28, 7.2.29, 7.2.71, 7.2.80, 7.2.101, 7.3.3 and 8.1 to change existing posting requirements for temporary parking restriction signs; amend the requirements for street barricades for street fairs; provide that yellow or white zones may be indicated by either yellow or white paint on the curb or signage; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that any violation of Division II, Section 903 is a violation of Section 7.2.71; prohibit taxicab operators from leaving a vehicle unattended in certain use districts; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line unless on a line, route or location designated by the SFMTA; provide that four or more violations of Section 7.2.71 within one year constitute a misdemeanor; repeal noticing requirements for towing vehicles on public streets; and clarify applicable restrictions and references to Division II; and repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park. (Municipal Transportation Agency)

Ordinance No. 231-09

FINALLY PASSED

Recommendations of the Rules Committee

090523 [Eastern Neighborhoods Citizens Advisory Committee]

Sponsors: Daly; Campos

Ordinance amending the Administrative Code Section 10E.2 concerning the qualifications for and number of members on the Eastern Neighborhoods Citizens Advisory Committee.

Ordinance No. 230-09

FINALLY PASSED

090833 [Lobbyist Ordinance Amendments]

Sponsor: Chiu

Ordinance amending Chapter I of Article II of the Campaign and Governmental Conduct Code by amending Sections 2.100, 2.105, 2.110, 2.115, 2.117, 2.130, 2.135, 2.140, 2.145 and 2.150, adding Section 2.116, and deleting Sections 2.125 and 2.160, to simplify registration requirements, adopt a more equitable fee structure, ease electronic filing of lobbyist disclosures, and establish an effective date for these amendments.

Ordinance No. 235-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

Recommendation of the Government Audit and Oversight Committee

091161 [Approving Issuance of a Request for Proposals for CleanPowerSF]

Sponsors: Mirkarimi; Mar, Campos and Dufty

Ordinance approving issuance of a Request for Proposals for Community Choice Aggregation (CCA) Services for the San Francisco CCA program, commonly known as CleanPowerSF.

Ordinance No. 232-09

Supevisor Dufty requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

091254 [Adopting Findings Reversing the Exemption Determination for the 430 Main Street/429 Beale Street Project]

Motion adopting findings reversing the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from further environmental review. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED, on Page 2, Line 7, replacing "aare" with "are". The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion No. M09-178

Supervisor Daly requested to be added as sponsor.

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

090931 [Rental Subsidy Program for Low-Income Families]

Sponsors: Avalos; Campos, Mar, Mirkarimi and Dufty

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

Ordinance No. 229-09

Supervisor Dufty requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

090989 [Campaign Finance Reform Ordinance amendments]

Sponsors: Daly; Campos

Ordinance amending Article I, Chapter I of the Campaign & Governmental Conduct Code by amending sections 1.100, 1.104, 1.107, 1.108, 1.112, 1.113, 1.114, 1.118, 1.122, 1.128, 1.130, 1.134, 1.135, 1.136, 1.140, 1.142, 1.144, 1.146, 1.148, 1.150, 1.152, 1.156, 1.161, 1.161.5, 1.168, 1.170, deleting sections 1.134.5, 1.158, and 1.160, and adding sections 1.109, 1.143, 1.171, and 1.175 to refine and conform definitions; to eliminate and streamline reporting requirements; to authorize greater electronic filing; to adjust expenditure ceilings for inflation; to clarify the permissible uses of campaign funds; to provide that certain candidates are eligible to accept Voluntary Expenditure Ceilings; to set forth the instances in which the Ethics Commission will lift Voluntary Expenditure Ceilings; to modify how public funds are disbursed to eligible candidates; to clarify the requirements for third-party reporting; to amend the statute of limitations for administrative actions; and to impose record retention requirements on local committees.

Ordinance No. 234-09

Supervisor Campos requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091166 [Approval of Management and Operations Agreement for the Cable Car Museum]
Sponsor: Chiu
Resolution approving Municipal Transportation Agency Management and Operations Agreement with the Friends of the Cable Car Inc., for the Cable Car Museum for a term of ten years with two five-year options to extend the term.

Resolution No. 432-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091178 [Approval of Lease for Pier 15 and a portion of Pier 17, related Parking Agreement and Licenses]
Sponsors: Mayor; Chiu and Alioto-Pier
Resolution approving and authorizing a 66-year Lease of Pier 15 and a portion of Pier 17 and a related Parking Agreement at Seawall Lot 321, two Curb Indent Licenses in front of Piers 15 and 17 and a Curb Space License at Green Street between the Exploratorium and the City and County of San Francisco acting by and through the San Francisco Port Commission.
(Fiscal Impact.)

Resolution No. 430-09

Supervisor Alioto-Pier requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091179 [CEQA Findings in Connection with the Exploratorium Relocation Project]
Sponsors: Mayor; Chiu and Dufty
Resolution adopting findings pursuant to the California Environmental Quality Act (CEQA) and Administrative Code Chapter 31 in connection with the Exploratorium Relocation Project proposed to be located on Pier 15 and a portion of Pier 17 in the Port of San Francisco, City and County of San Francisco.

Resolution No. 431-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

080323 [Place of Entertainment Permits and Board of Appeals Procedures]

Sponsors: Mayor; Dufty, Chiu and Campos

Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060, 1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.25 and 1060.29, by adding Sections 1060.20.1, 1060.20.2, 1060.20.3, 1060.20.4, 1060.24.1, 1060.24.2, 1060.29.1, 1060.30, 1060.31, 1060.32, 1060.33, 1060.34, 1060.35, 1060.36, and 1060.37, by repealing Sections 1060.4, 1060.20, and 1060.22, and by adding new Sections 1060.4 and 1060.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Place of Entertainment Permits and One Night Event Permits (now called "One Time Event Permits"), including changes in penalties, and amending the San Francisco Business and Tax Regulations Code by amending Sections 8 and 26 to provide the time for appealing to the Board of Appeals, to provide an additional category of permit suspension and revocation actions that are not suspended pending a decision by the Board of Appeals, and to clarify the standards governing the review of permits.

Supervisors Chiu and Campos requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

080324 [Extended-Hours Premises Permits]

Sponsors: Mayor; Dufty, Chiu and Campos

Ordinance amending the San Francisco Police Code by amending Sections 1070, 1070.1, 1070.2, 1070.3, 1070.5, 1070.7, 1070.8, 1070.19, 1070.22, and 1070.24, by adding Sections 1017.17.1, 1017.17.2, 1017,17.3, 1070.28, 1070.29, 1070.30, 1070.31, 1070.32, 1070.33, 1070.34, 1070.35, and 1070.36; by repealing Sections 1070.4, 1070.17, 1070.20, 1070.20-1, 1070.21, and 1070.26; and by adding new Sections 1070.4, 1070.17, and 1070.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Extended-Hours Premises Permits, including changes in penalties.

Supervisors Chiu and Campos requested to be added as co-sponsors.

Supervisor Daly moved to divide the question relating to "Sec. 1070.36. Prospective Moratorium on Grant of Extended-Hours Premises Permits" located on Page 41, Line 17, through Page 44, Line 18.

The question relating to "Sec. 1070.36. Prospective Moratorium on Grant of Extended-Hours Premises Permits" PASSED as divided by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

PASSED ON FIRST READING AS DIVIDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

091039 [Prohibiting Onychectomy (Declawing) and Tendonectomy Procedures on Cats]
Sponsors: Mirkarimi; Campos, Avalos and Maxwell
Ordinance amending the San Francisco Health Code by adding Section 45 to prohibit onychectomy (declawing) and tendonectomy procedures on cats except when necessary for a therapeutic purpose.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd

Recommendations of the Government Audit and Oversight Committee

091112 [Finding of Fiscal Feasibility; Retention and Expansion of the San Francisco Wholesale Produce Market]
Sponsors: Maxwell; Mayor, Dufty, Mirkarimi and Mar
Resolution adopting finding that the retention and expansion of the San Francisco Wholesale Produce Market are fiscally feasible pursuant to Administrative Code Chapter 29.
(Fiscal Impact.)

Resolution No. 434-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091118 [Board response to the 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT: A Report on the Surplus Real Property Owned by the San Francisco Unified School District"]
Sponsors: Mirkarimi; Campos
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT: A Report on the Surplus Real Property Owned by the San Francisco Unified School District

Resolution No. 435-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091119 [Board response to the 2008-2009 Civil Grand Jury Report entitled "Being Propositioned By The San Francisco Unified School District"]
Sponsor: Mirkarimi
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "Being Propositioned By The San Francisco Unified School District," and urging the SFUSD to cause the implementation of accepted recommendations.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED, on Page 2, Line 17, replacing "3" with "4". The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution No. 436-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to the Mission Peace Collaborative in recognition of their leadership and community service.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Richard McRee; expressed various concerns.
Male Speaker; expressed various religious concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed concerns relating to hospital staffing.
Richard Robinson; expressed various concerns.
Male Speaker; expressed concerns relating to nutrition.
Francisco Da Costa, expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091255 [Declaring November 8th to November 14th, 2009, Radiology Week in San Francisco]

Sponsors: Dufty; Campos

Resolution declaring November 8th to November 14th, 2009 Radiology Week in San Francisco.

Resolution No. 441-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091256 [Celebrating the Cliff House on its Centennial of the 1909 building]

Sponsors: Mar; Alioto-Pier and Campos

Resolution celebrating the Cliff House on its Centennial of the 1909 building.

Resolution No. 437-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091257 [Approval of Additional Emergency Work at Midtown Park Apartments]

Sponsor: Mirkarimi

Resolution authorizing the Director of the Mayor's Office of Housing to take all necessary measures to protect the health and safety of the residents of Midtown Park Apartments by performing additional emergency repairs to the sewer systems and exterior staircases.

Resolution No. 438-09

ADOPTED

091258 [Proclaiming November 5, 2009, as Elaine Mikels Day]

Sponsors: Chiu; Campos

Resolution proclaiming November 5, 2009, as "Elaine Mikels Day" in San Francisco.

Resolution No. 442-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091259 [Approval of a 30 day extension for Planning Commission review.]

Sponsor: Chiu

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non use for a nonconforming Tobacco Paraphernalia Establishment use be deemed discontinued in the Polk Street NCD from three years to eighteen months, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and environmental findings.

Resolution No. 443-09

ADOPTED

091239 [Final Map - 748 Innes Avenue]

Motion approving Final Map 5308, a Mixed-Use 6 Unit Residential and 1 Unit Commercial Condominium Project, located at 748 Innes Avenue being a subdivision of Lot 005A in Assessors Block No. 4644 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
(DPW No. 1278,382; District 10.)

Motion No. M09-179

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

091269 [Payroll Expense Tax Biotechnology Exclusion Amendment]
Sponsor: Alioto-Pier
Ordinance amending Section 906.1 of the San Francisco Business and Tax Regulations Code to clarify the definition of "biotechnology business" and to allow applicants to claim the biotechnology exclusion for seven and one half years irrespective of the application date.
(Fiscal Impact.)

11/03/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/3/2009.

091271 [Zoning - Amending Planning Code to Create a Comprehensive and Consistent Set of Street Frontage Controls]
Sponsor: Mirkarimi
Ordinance amending the San Francisco Planning Code by amending Sections 145.1, 201, 243, 253, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/3/2009

091272 [Port Commission Revenue Bond Law]
Sponsors: Mayor; Chiu
Ordinance amending the San Francisco Administrative Code by adding Chapter 43, Article XII, Sections 43.12.1 through 43.12.8, to authorize the issuance of revenue bonds by the Port Commission.

11/03/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091274 [Appropriating $33,395,571 of Port Revenue Bond Proceeds for Pier Repairs and Renovations at the Port of San Francisco for FY 2009-2010]
Sponsors: Mayor; Chiu
Ordinance appropriating $33,395,571 of bond revenue for the Port of San Francisco to make repairs and renovations to Piers 35, 33, 19 or 23, 27, and 50 for FY 2009-2010, and placing $33,395,571 on Controller's reserve pending sale of bonds.
(Fiscal Impact.)

11/03/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091275 [Development Impact and In-Lieu Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by creating Article 4 for development impact fees and development impact requirements that authorize the payment of in-lieu fees; by adding Section 402 to provide that all Planning Code development impact and in-lieu fees will be collected by the Department of Building Inspection prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the fees; by requiring that any in-kind public improvements required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project; by moving Planning Code Sections 139, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4 and renumbering and amending the sections; adding introductory sections for standard definitions, payment and collection procedures, conditions of approval, dispute resolution and appeal procedures, waivers, credits, notice, lien procedure, and development fee evaluations every five years; by providing for an appeal of technical fee calculation issues to the Board of Appeals rather than the Planning Commission; requiring the Controller to issue an annual Citywide Development Fee Report; deleting duplicative code provisions and using consistent definitions, language and organization throughout; adopting findings, including Section 302 and environmental findings; instructing the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number.
(Economic Impact.)

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/3/2009.

091276 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $2,700,314]

Sponsor: Mayor

Ordinance authorizing the Department of Children, Youth & Their Families (DCYF) to accept and expend grant funding in the amount of $2,700,314 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs and amending Annual Salary Ordinance (183-09) and to create grant-funded position at DCYF.

11/03/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091251 [Development Fee Collection Procedure; Administrative Fee]

Sponsor: Mayor

Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the development fees, to require that any in-kind public benefit benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; adopting findings, including environmental findings.
(Economic Impact.)

10/27/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

11/03/09; REFERRED TO DEPARTMENT.

11/03/09; SUBSTITUTED.

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/26/2009.

Resolutions

091270 [Accept and Expend Grant - Urban Trails of San Francisco - $1,000,000]

Sponsors: Dufty; Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Substance Abuse and Mental Health Services Administration in the amount of $1,000,000 to provide direct services for American Indian/Alaskan Native children and families; for the period of September 30, 2009, through September 29, 2010.

11/03/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091273 [Port Commission Revenue Bonds Not to Exceed $45,000,000]

Sponsors: Mayor; Chiu

Resolution authorizing the issuance of up to $45,000,000 aggregate principal amount of Port Commission revenue bonds for the purpose of financing certain capital improvements related to the Port; approving the forms of documents relating thereto; approving the maximum interest thereon; and related matters.
(Fiscal Impact.)

11/03/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091279 [Resolution to Acquire Real Property Interests by Eminent Domain-Water System Improvement Program-Funded Bay Division Pipeline Reliability Upgrade Tunnel]

Sponsor: Mayor

Resolution authorizing acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-008 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

11/03/09; ASSIGNED to Board of Supervisors.

091282 [Commending Del Monte for its Commitment to Keep its Headquarters in San Francisco]

Sponsors: Alioto-Pier, Dufty and Maxwell

Resolution commending Del Monte Corporation for its continued commitment to keep its headquarters in San Francisco.

11/03/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

091263 [Biotechnology Payroll Tax Exclusion]

Sponsor: Alioto-Pier

Hearing to consider the Controller's Report on the Biotechnology Payroll Tax Exclusion, required by Section 906.1(i) of Article 12-A of the San Francisco Business and Tax Regulations Code.

11/03/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091278 [Public Hearing - Acquisition of Property by Eminent Domain - Subsurface Tunnel Easements in Alameda County and San Mateo County]

Hearing of persons interested in or objecting to proposed Resolution authorizing acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-008 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1. (Clerk of the Board)

11/03/09; SCHEDULED FOR PUBLIC HEARING.

Motion

091277 [Motion to Hold Public Hearing on Adopting a Resolution to Acquire Property by Eminent Domain]

Sponsor: Mayor

Motion directing the Board of Supervisors to hold a public hearing on November 24, 2009, with the Board sitting as a committee of the whole, to consider adopting a Resolution of Necessity to authorize acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-002-08 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

11/03/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

091230 [Department of Building Inspection Cash Revolving Fund]

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from $600 to $2,000. (Building Inspection Commission)

10/22/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/21/2009.

091231 [Authorizing the Municipal Transportation Agency to implement on-street parking meter and parking control pilot projects]

Ordinance authorizing the Municipal Transportation Agency to implement and extend SFpark parking meter and parking control pilot projects. (Municipal Transportation Agency)

10/23/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/22/2009.

PROPOSED RESOLUTIONS

090679 [Amendment to the John Stewart Company Sublease]

Resolution approving and authorizing the execution of a Fifth Amendment to Sublease with the John Stewart Company to discontinue Earthquake and Flood Insurance. (Treasure Island Development Authority)

10/22/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091232 [Approval of the Ryan White HIV Emergency Relief Grant Program application]

Sponsors: Dufty; Campos

Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the "HIV Emergency Relief Programs (Ryan White Programs, Part A)" grant from the Health Resources Services Administration, requesting $36,118,233 in HIV emergency relief program funding for the San Francisco Eligible Metropolitan Area; from March 1, 2010, through February 28, 2011. (Public Health Department)

10/26/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091236 [Approval of contract for Personal Assisted Employment Services Program for the Department of Public Health]

Sponsor: Mar

Resolution authorizing the San Francisco Department of Public Health to enter into a contract with Richmond Area Multi-Services, Inc., to provide mental health services through the Personally Assisted Employment Services program for the term of January 1, 2010, through June 30, 2016. (Public Health Department)

10/26/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Requests Granted

From: Supervisor Campos
To: Director, Juvenile Probation Department
Requesting/Inquiring: We respectfully request that the Juvenile Probation Department [hereinafter "the Department"] respond to and provide any and all information and documentation, in whatever form, including, hard copies, electronic form, email or any other correspondence regarding the following:

1. An accounting of how the Department uses city funds to comply with Juvenile Probation Department policy 8.12, the Department's policy regarding the intake, processing and release of undocumented minors (effective date August 2008).
2. All intake and processing forms used by the Department at the referral and booking stage.
3. All information regarding the Department's caseload for the last two years, broken out by month.
4. An explanatory memorandum and any relevant Department materials related to answering the following questions:
a. Does the Department consider itself and/or intend to act as a de facto arm of the United States Bureau of Immigration and Customs Enforcement? How is the Department ensuring that probation officers are not doing the work of federal immigration officials?
I kindly request the Department deliver this information within thirty days.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
Southwest corner Fillmore & Haight
Northeast corner Clayton & Haight
Southwest corner Baker & Haight

Mailboxes
Southwest corner Post & Broderick
Northeast corner Laguna & Grove

Street Wall and Overpasses
On Geary & Webster, middle of overpass, East side of street

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore & Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Northwest corner of Hayes & Fillmore
Southeast corner of Fillmore & Haight

San Francisco Chronicle
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic

Examiner
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore

SF Daily
Northwest corner of Hayes & Gough

City Star
Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly
Southeast corner of Masonic & Haight
Southeast corner of Haight & Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

628 Divisadero
1310 Turk
1067 Oak
499 Steiner (on the Oak Street side)
489 Grove
298 Pierce
774 Page
778 Page
509 Haight
442 Haight
501 Waller
444 Haight
525 Haight
533 Haight
799 Haight
401 Duboce (on the Duboce & Fillmore side of building)
900 Haight
901 Haight
1301 Haight
1667 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles
Southwest corner Haight & Fillmore
Southwest corner Waller & Fillmore
Northeast corner Fillmore & Hermann

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes
Northeast corner Post & Broderick
Northwest corner of Duboce & Church

Bus Shelters
Northeast corner Masonic & Haight
Southeast corner Fillmore & Oak (500 block of Fillmore)
Southwest corner Buena Vista West & Haight
Southwest corner Buchanan & Haight
Fillmore & Haight (all 4 bus stops, graffiti & grime)

In Memoriams

Florence Vivian Sarrett – Supervisor Dufty
Warren H. van Eck – Supervisor Dufty
Steven Patrick Dub – Supervisor Chu
Lawrence Halprin – Supervisor Alioto-Pier
Eric Knudtson – Supervisor Dufty
Nancy M. Daly – Supervisors Alioto-Pier and Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:36 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 5, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

JAN 14 2010

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 10, 2009 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 104 Number 38

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of October 20, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091187 **[Authorizing the Office of Contract Administration to amend its contract with Xtech to increase the contract amount to $40 million]**

Resolution authorizing the Office of Contract Administration to enter into the Second Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from $12,475,000 to $40 million. (Planning Department)
(Fiscal Impact.)

Resolution No. 451-09

ADOPTED

091188 [Authorizing the San Francisco Human Services Agency to apply for State funds available for fraud prevention and detection in the In-Home Supportive Services program]

Resolution authorizing Human Services Agency to submit plan for State funding for In-Home Supportive Services fraud investigations and program integrity efforts pursuant to the California State Budget Act of 2009. (Human Services Department)

Resolution No. 450-09

ADOPTED

091204 [Accept and Expend State Grant - San Francisco Port Commission - $5,771,340]

Sponsor: Chiu

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of $5,771,340 from the California Emergency Management Agency for security enhancements at the Port of San Francisco.

Resolution No. 448-09

ADOPTED

091205 [Accept and Expend State Grant - Airport Commission - $1,700,000]

Sponsor: Chu

Resolution authorizing the Airport Commission to retroactively accept and expend a grant of $1,700,000 from the California Air Resources Board for the acquisition and operation of a hydrogen vehicle fueling station.

Resolution No. 449-09

ADOPTED

091206 [Accept and Expend Grant - Airport Commission - $1,399,709.57]

Sponsor: Chu

Resolution authorizing the Airport Commission to retroactively accept and expend 3 grants totaling $1,399,709.57 from the Bay Area Air Quality Management District (Air District) for the retrofit and acquisition of clean air vehicles and infrastructure.

Resolution No. 447-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

091032 [Confidentiality of Juveniles' Immigration Status]

Sponsors: Campos; Avalos, Chiu, Dufty, Mar, Maxwell, Mirkarimi and Daly

Ordinance amending the San Francisco Administrative Code by amending Sections 12H.2, 12H.2-1, and 12H.3 to allow City law enforcement officers and employees to report information regarding the immigration status of a juvenile to any state or federal agency when the juvenile has been adjudicated to be a ward of the court on the ground of felony conduct, the court makes a finding of probable cause after the District Attorney directly files felony criminal charges against the minor, or the juvenile court determines that the minor is unfit to be tried in juvenile court and the superior court makes a finding of probable cause; and to update references to the federal agency responsible for enforcing federal immigration laws.
(Supervisor Alioto-Pier dissented in committee.)

Ordinance No. 228-09

FINALLY PASSED OVER THE MAYOR'S VETO by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendations of the City Operations and Neighborhood Services Committee

Supervisor Campos was noted absent at 2:18 p.m.

080323 [Place of Entertainment Permits and Board of Appeals Procedures]

Sponsors: Mayor; Dufty, Chiu and Campos

Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060, 1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.25 and 1060.29, by adding Sections 1060.20.1, 1060.20.2, 1060.20.3, 1060.20.4, 1060.24.1, 1060.24.2, 1060.29.1, 1060.30, 1060.31, 1060.32, 1060.33, 1060.34, 1060.35, 1060.36, and 1060.37, by repealing Sections 1060.4, 1060.20, and 1060.22, and by adding new Sections 1060.4 and 1060.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Place of Entertainment Permits and One Night Event Permits (now called "One Time Event Permits"), including changes in penalties, and amending the San Francisco Business and Tax Regulations Code by amending Sections 8 and 26 to provide the time for appealing to the Board of Appeals, to provide an additional category of permit suspension and revocation actions that are not suspended pending a decision by the Board of Appeals, and to clarify the standards governing the review of permits.

Ordinance No. 239-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd
Absent: 1 - Campos

080324 [Extended-Hours Premises Permits]

Sponsors: Mayor; Dufty, Chiu and Campos

Ordinance amending the San Francisco Police Code by amending Sections 1070, 1070.1, 1070.2, 1070.3, 1070.5, 1070.7, 1070.8, 1070.19, 1070.22, and 1070.24, by adding Sections 1017.17.1, 1017.17.2, 1017,17.3, 1070.28, 1070.29, 1070.30, 1070.31, 1070.32, 1070.33, 1070.34, 1070.35, and 1070.36; by repealing Sections 1070.4, 1070.17, 1070.20, 1070.20-1, 1070.21, and 1070.26; and by adding new Sections 1070.4, 1070.17, and 1070.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Extended-Hours Premises Permits, including changes in penalties.

Ordinance No. 238-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd
Absent: 1 - Campos

091039 [Prohibiting Onychectomy (Declawing) and Tendonectomy Procedures on Cats]

Sponsors: Mirkarimi; Campos, Avalos and Maxwell

Ordinance amending the San Francisco Health Code by adding Section 45 to prohibit onychectomy (declawing) and tendonectomy procedures on cats except when necessary for a therapeutic purpose.

Ordinance No. 237-09

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 1 - Campos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091217 [Appropriation ordinance to reflect Mayor's State Budget Plan for FY 2009-2010]

Sponsors: Mayor; Avalos

Ordinance appropriating $18,000,000 of an unallocated reduction to State revenues (State Budget Reserve), including $9,589,000 for the Department of Public Health, $9,600,000 for the Human Services Agency, $350,000 for the Sheriff's Department, and $150,000 for the General Fund Reserve; deappropriating $3,448,652 of expenditures in the Department of Public Health consistent with the Mayor's Proposed State Budget Plan; and appropriating and placing $1,759,652 of General City Responsibility General Fund on an appropriated reserve for FY 2009-2010. (Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

Supervisor Campos was noted present at 2:29 p.m.

091246 [Appropriating $7,057,111 to Restore Positions Effective November 16, 2009, in the Department of Public Health for FY 2009-2010]

Sponsors: Daly; Mirkarimi, Mar and Campos

Ordinance appropriating $7,057,111 in General Fund Reserve to add 322.39 full-time equivalent positions and delete 272.95 full-time equivalent positions effective November 16, 2009, in the Department of Public Health for FY 2009-2010.
(Fiscal Impact.)

Privilege of the floor was granted to Ben Rosenfield, Controller, and Monique Zmuda, Deputy Controller, who responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion to rescind PASSED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

091247 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Daly; Campos

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.95 FTEs in various job classes for 16.3 pay periods (November 16, 2009, through June 30, 2010) in the Department of Public Health.
(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

Supervisor Elsbernd, seconded by Supervisor Chu, moved to rescind the previous vote. The motion to rescind FAILED by the following vote:
Ayes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell
Noes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion to rescind PASSED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

091260 [Payment of Award to John Doe - $10,000]

Sponsor: Dufty

Ordinance authorizing payment of a $10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the death of Jaquain Williams.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091261 [Payment of Award to John Doe - $10,000]

Sponsor: Dufty

Ordinance authorizing payment of a $10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the deaths of Jovanie Banks and Michael Hill.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091185 [Approval to award a three-year lease for surface parking between the Port of San Francisco and Priority Parking-CA, LLC (Lease No. L-14747)]

Resolution approving a Port Commission Lease with Priority Parking-CA, a California Limited Liability Corporation in the City and County of San Francisco, for certain real property located at SWL 322-I bounded by Front Street and Broadway, SWL 323 bounded by The Embarcadero and Davis Street, SWL 321 bounded by Front Street and Green Street, and SWL 324 bounded by Davis Street, Front Street and The Embarcadero for a term of 3 years. (Port)

Resolution No. 446-09

ADOPTED by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Campos

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to the Pancreatic Cancer Association in recognition of Pancreatic Cancer Month (November 2009).

Supervisor Dufty provided an overview of the Veterans commendation proceedings. Introductions and Certificates of Honor, in recognition of Veterans Day, service to our community, and dedication to our Nation, were presented as follows:

Supervisor Chu to Commander Rudy Asercion and Captain Harry Carpentar Jr.;
Supervisor Daly to the Veteran's Equity Center;
Supervisor Mar to Ernesto Cinco;
Supervisor Maxwell to Corporal Harold Lee Drummer and Corporal William Loskutoff;
Supervisor Dufty to James "Robbie" Robinson and Zoe Dunning;
Supervisor Avalos to Gaudencio Valerio;
Supervisor Elsbernd to Elbert "Bud" Wilson; and
Supervisor Mirkarimi to Michael Blecker and Paul Cox, on behalf of the Swords to Plowshares.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed gratitude for Veteran's.
James Chaffee; expressed concerns relating to the SF Public Library.
Nancy Cross; expressed various concerns.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Walter Paulson; shared in song certain concerns with the Board.
Emil Lawrence; expressed various concerns.
John DiDonna; expressed concerns relating to the recently passed propositions.
Richard Robinson; expressed concerns relating to traffic deaths.
Male Speaker; expressed various concerns.
Male Speaker; expressed various religious concerns.
Male Speaker; expressed various concerns.
Janet Shirley; expressed support for pending non-violence legislation.
Female Speaker; expressed support for pending non-violence legislation.
Male Speaker; expressed support for pending non-violence legislation.
Bred Starr; expressed concerns relating to immediate disclosure requests.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091268 [Final Map - 5156 Planned Development Mission Bay]

Motion approving Final Map No. 5156 Planned Development, Mission Bay, a three (3) lot subdivision, being a merger and re-subdivision of Lot 15 of Assessor's Block 8720, Lot 2 of Assessor's Block 3841, and Lots 19, 20 and 21 of Assessor's Block 8721 as shown on that certain map entitled "FINAL MAP 4141 – PLANNED DEVELOPMENT MISSION BAY (26-28)" recorded on October 16, 2007 in Book BB of Maps, at Pages 179 through 183, filed for record in the office of the Recorder of the City and County of San Francisco, California; and adopting findings pursuant to the General Plan and City Planning Code Section101.1 and the Mission Bay South Redevelopment Plan and Plan Documents. (Public Works Department)

Motion No. M09-180

APPROVED

091277 [Motion to Hold Public Hearing on Adopting a Resolution to Acquire Property by Eminent Domain]

Sponsor: Mayor

Motion directing the Board of Supervisors to hold a public hearing on November 24, 2009, with the Board sitting as a committee of the whole, to consider adopting a Resolution of Necessity to authorize acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-002-08 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

Motion No. M09-181

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 091281 be severed so that it might be considered separately.

091281 [Condemning Californians for Population Stabilization TV and Radio Ads]

Resolution condemning Californians for Population Stabilization (CAPS) TV and Radio Ads.

Resolution No. 445-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier requested that File No. 091282 be severed so that it might be considered separately.

091282 **[Commending Del Monte for its Commitment to Keep its Headquarters in San Francisco]**

Sponsors: Alioto-Pier, Dufty and Maxwell

Resolution commending Del Monte Corporation for its continued commitment to keep its headquarters in San Francisco.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution No. 452-09

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

091300 **[SFMTA Fare Evasion Regulation Amendments]**

Sponsor: Dufty

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 1.1, 7.2, and 7.2.101 to redefine requirements for the SFMTA Proof of Payment Program, eliminate the designation of Proof of Payment Zones, clarify that the prohibitions listed in Article 7 are violations of laws, and permit fare evasion enforcement for failure to display a valid fare receipt or valid fare media at the request of any authorized representative of the transit system or duly authorized peace officer after that person has been observed by the transit representative or peace officer on a public transit vehicle or in the paid area of an SFMTA transit station; and to make technical corrections.

11/10/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/8/2009.

091137 [Mills Act Contract Procedures]

Sponsor: Alioto-Pier

Ordinance amending Chapter 71 of the San Francisco Administrative Code regarding historical property (Mills Act) contract procedures to reflect amendments made to the San Francisco Charter to create the Historic Preservation Commission, expand the definition of "qualified historical property" to include properties listed on the California Register of Historical Resources, establish certain time lines for review of applications for historical property contracts, require Budget Analyst review of applications for historical property contracts, and making other clarifying amendments; and making findings, including environmental findings.

09/22/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/22/2009. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

10/06/09; REFERRED TO DEPARTMENT.

10/06/09; SUBSTITUTED.

10/14/09; REFERRED TO DEPARTMENT.

11/09/09; SUBSTITUTED.

11/09/09; RECEIVED AND ASSIGNED to Rules Committee.

091136 [Mandatory prequalification, training and safety certification requirements for public works projects]

Sponsor: Alioto-Pier

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.20(F), to require mandatory bidder prequalification for all public works contracts and set minimum requirements for prequalification; amending Section 6.22(O) to establish training requirements applicable to apprentices and journeymen; and amending Section 6.22(P) to establish minimum safety training and certification requirements for electricians working on a jobsite.

09/22/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/22/2009.

11/10/09; SUBSTITUTED.

11/10/09; TRANSFERRED to Land Use and Economic Development Committee.

11/10/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/8/2009.

091113 [Seismic strengthening of soft-story, wood-frame buildings]

Sponsor: Mayor

Ordinance finding a compelling public policy basis for expediting the processing and review of permits for voluntary seismic retrofit upgrades of soft-story, wood-frame buildings and amending the Planning Code, Building Code, Fire Code, and Public Works Code to waive permit processing fees for the proportionate share of work related to such seismic retrofit upgrades; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.

Economic Impact

09/15/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

11/10/09; SUBSTITUTED.

11/10/09; TRANSFERRED to Land Use and Economic Development Committee.

11/10/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/10/2009.

Resolutions

091292 [Commending Northern Station Police Captain Al Casciato]

Sponsors: Alioto-Pier; Mirkarimi, Avalos, Elsbernd, Dufty, Chiu and Campos

Resolution Commending Captain Al Casciato for his contributions to the City and County of San Francisco, and his dedicated service as Captain of the Police Department's Northern Station.

11/09/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091293 [Approval of a 30-Day Extension for Planning Commission Review]

Sponsor: Alioto-Pier

Resolution extending by 30-days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Section 303(i) to require new applicants of formula retail establishments to appoint a community liaison, and making findings of consistency with the priority policies of the Planning Code Section 101.1, and environmental findings.

11/09/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091297 [Expressing the Commitment of the Board of Supervisors to Refund the General Fund Reserve with Revenue from Assembly Bills 1383 and 188]

Sponsors: Chiu; Dufty and Daly

Resolution expressing the commitment of the Board of Supervisors to backfill reductions in the General Fund Reserve with revenues from Assembly Bills 1383 and 188.

11/10/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091298 [Accept and Expend Grant - Mortgage and Investment Fraud Project - $1,066,026]

Sponsors: Chiu; Chu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend grant funds from the American Recovery and Reinvestment Act in the amount of $1,066,026 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "Mortgage and Investment Fraud Prosecution and Education Project" for the period from August 1, 2009, through July 31, 2011.

11/10/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091299 [Extending the Single Room Occupancy Task Force to December 31, 2012]

Sponsors: Dufty; Campos, Chiu and Daly

Resolution amending the Single Room Occupancy Task Force to extend it three (3) years beyond the current sunset date of December 31, 2009, to December 31, 2012, and increasing its membership by one (1) member to fourteen (14) to include one (1) additional tenant representative: nine (9) members appointed by the Board of Supervisors; four (4) appointed by designated department heads; and one (1) chair appointed by the Director of Health.

11/10/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091301 [Approval of a Three (3) Month Extension for Planning Commission Review]

Sponsor: Elsbernd

Resolution extending by three (3) months the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Section 729 to add new Sub-section 729.52A and adding new Section 790.115 to require conditional use authorization in the West Portal Avenue Neighborhood Commercial District for certain personal service nail salons, as defined; and making findings of consistency with the General Plan, the priority policies of the Planning Code Section 101.1, and environmental findings.

11/10/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091302 [Accept and Expend Grant - Police Department Emergency Operations Center - $1,000,000]

Sponsor: Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend an earmark grant in the amount of $1,000,000 from the California Emergency Management Agency through the Federal Emergency Management Agency for the purchase of equipment and construction of the San Francisco Police Department Emergency Operations Center.

11/10/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091303 [Accept and Expend Grant - California Multi-Jurisdictional Methamphetamine Enforcement Team Program - $346,785]

Sponsor: Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $346,785 from the Governor's Office of Emergency Services for a project entitled "California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET)" Program.

11/10/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091304 [Endorsement of World March for Peace and Nonviolence]

Sponsors: Mar; Campos, Dufty and Avalos

Resolution endorsing the first World March for Peace and Nonviolence, calling for the end of war and nuclear arms, and the elimination of violence of all kinds.

11/10/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091305 [Accept and Expend Grant - Point Lobos Streetscape Improvements Project - $461,000]

Sponsor: Mar

Resolution authorizing the Department of Public Works to accept and expend a Federal grant in the amount of $408,123 and a State grant in the amount of $52,877 from the Metropolitan Transportation Commission for the Point Lobos Streetscape Improvements Project.

11/10/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Requests for Hearing

091296 [Backlog in the Police Disciplinary Process and Potential Reforms]
Sponsors: Chiu; Elsbernd

Hearing to discuss the backlog in the police disciplinary process and potential reforms.

11/10/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091306 [San Francisco's African American Infant Health Program]
Sponsor: Maxwell

Hearing on the disproportionately high fetal and infant mortality rates in San Francisco's African American population.

11/10/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091307 [Sharp Park Restoration Alternatives]
Sponsor: Mirkarimi

Hearing to review the "Sharp Park Conceptual Restoration Alternatives" and "Sharp Park Mitigation Bank Financial Viability and Analysis" Reports, which were prepared by the Recreation and Parks Department in response to Ordinance No. 85-09.

11/10/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

091264 [Settlement of Lawsuits - Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox - $217,000]

Ordinance authorizing settlement of two lawsuits, which were filed by Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox against the City and County of San Francisco and its employees for a total amount of $217,000; the first lawsuit was filed on January 14, 2005, in the United States District Court for the Northern District of California, Case No. C05-0280 VRW/WAF, entitled Earnest Henderson, et al., v. City and County of San Francisco, et al.; the second lawsuit was filed on October 18, 2005, in the United States District Court for the Northern District of California, Case No. C05-4220 VRW; entitled Mack Woodfox v. City and County of San Francisco, et al.; the above total settlement amount also includes all claims for costs and attorneys' fees. (City Attorney)

10/27/09; RECEIVED AND ASSIGNED to Rules Committee.

091265 [Settlement of Lawsuits - Joanne Lozenski, Juanita Stockwell, and Susan Rolovich - $95,000]

Ordinance authorizing settlement of the lawsuit filed by Joanne Lozenski, Juanita Stockwell, and Susan Rolovich against the City and County of San Francisco, Alex Fagan, and Rod Nakanishi for $95,000; the lawsuit was filed on December 14, 2004, in San Francisco Superior Court, Case No. 04-436254; entitled Lozenski, et al., v. City and County of San Francisco, et al. (City Attorney)

10/27/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091266 [Prevailing Wages for Workers on Public Works/Improvement Projects, Janitorial Services, Public Off-Street Parking Lots, Garages, or Auto Storage Facilities, Theatrical Services, Moving Services and Hauling Solid Waste]

Sponsor: Mirkarimi

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (Civil Service Commission)

10/30/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Supervisor Mirkarimi requested to be added as sponsor.

091267 [Lease of Property at 3801 Third Street]

Resolution approving a lease at Bayview Plaza, 3801 Third Street, at Evans Street, for the Human Services Agency under Administrative Code Section 23.27. (Real Estate Department)

11/02/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Elsbernd
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to examine the City and County of San Francisco Park Code and identify language to deter individuals from entering animal enclosures at the San Francisco Zoo and other Recreation and Park Department property, including, but not limited to punishment by fine and/or imprisonment.

From: Supervisor Dufty
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft legislation that provides requirements that all capital development projects that receive Government Funds (Local, State, or Federal) must develop and present a feasibility study that considers the build out of an on-site child care facility when constructing, rehabilitating, improving, or providing major renovations to the building.

The feasibility study will determine the need for on-site child care within the building based on the child care needs of the City's employees to be housed in the building and in the immediate surrounding area. And in order to promote the provision of high quality, affordable child care, the feasibility study shall explore options to mitigate rental and development costs for the space allocated for the child care facility; furthermore the development of the child care facility shall include the finishes, furnishings, and equipment required for use in both the interior and exterior spaces for such facilities as required by State Community Care Licensing.

From: Supervisor Daly
To: Controller
Requesting/Inquiring: Letter of Inquiry for Office of the Controller. Does Mayor Gavin Newsom's payment of a "Life Coach" and or "Corporate Facilitator" include any use of public funds?

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
Southwest corner Cole & Haight
Northwest corner Fulton & Gough

Mailboxes
On Geary between Fillmore & Steiner, south side of street
Southwest corner Turk & Lyon
Northeast corner Hayes & Buchanan
Southwest corner Central & Waller
Southwest corner Fulton & Gough

Street Wall and Overpasses
On Geary & Webster, middle of overpass, East side of street

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore & Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Northwest corner of Hayes & Fillmore
Southeast corner of Fillmore & Haight

San Francisco Chronicle
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic

Examiner
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore

SF Daily
Northwest corner of Hayes & Gough

City Star
Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly
Southeast corner of Masonic & Haight
Southeast corner of Haight & Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

469 Fell
350 Laguna
355 Laguna
525 Cole
451 Cole
401 Cole
1407 Oak
600 Divisadero
850 Divisadero
998 Divisadero
1007 Divisadero
497 Fulton
1355 Fulton
580 Hayes
587 Haight
420 Haight
839 Haight
928 Haight
DeAvila School, on Haight between Central & Masonic
1686 Haight
1575 Haight

1486 Haight
1449 Haight
1556 Haight
1619 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes
Northwest corner McAllister & Webster
Northwest corner Divisadero & Oak
Northwest corner Fulton & Fillmore
Northwest Baker & Fulton

Bus Shelter
Southwest corner Masonic & Haight
Southeast corner Geary & Laguna
Fillmore & Haight (all 4 bus stops, graffiti & grime)

Fire Hydrant
Southwest corner O'Farrell & Scott

Emergency Box
Northeast corner McAllister & Steiner

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole
Southeast corner Geary & Scott
In front of 1881 Sutter
In front of 940 Hayes
Southwest corner Lassuant & Buchanan
Northeast corner Waller & Webster

Wood Pole
In front of 40 Fillmore

In Memoriams

Loretta Florence Phillips – Supervisor Daly

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:04 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 5, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT
JAN 1 4 2010
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 17, 2009 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee

Volume 104 Number 39

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:17 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President David Chiu inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091260 **[Payment of Award to John Doe - $10,000]**

Sponsor: Dufty

Ordinance authorizing payment of a $10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the death of Jaquain Williams.
(Fiscal Impact.)

Ordinance No. 242-09

FINALLY PASSED

091261 **[Payment of Award to John Doe - $10,000]**

Sponsor: Dufty

Ordinance authorizing payment of a $10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the deaths of Jovanie Banks and Michael Hill.
(Fiscal Impact.)

Ordinance No. 241-09

FINALLY PASSED

091217 [Appropriation ordinance to reflect Mayor's State Budget Plan for FY 2009-2010]
Sponsors: Mayor; Avalos

Ordinance appropriating $18,000,000 of an unallocated reduction to State revenues (State Budget Reserve), including $9,589,000 for the Department of Public Health, $9,600,000 for the Human Services Agency, $350,000 for the Sheriff's Department, and $150,000 for the General Fund Reserve; deappropriating $3,448,652 of expenditures in the Department of Public Health consistent with the Mayor's Proposed State Budget Plan; and appropriating and placing $1,759,652 of General City Responsibility General Fund on an appropriated reserve for FY 2009-2010. (Fiscal Impact.)

Ordinance No. 240-09

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

091232 [Approval of the Ryan White HIV Emergency Relief Grant Program application]
Sponsors: Dufty; Campos

Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the "HIV Emergency Relief Programs (Ryan White Programs, Part A)" grant from the Health Resources Services Administration, requesting $36,118,233 in HIV emergency relief program funding for the San Francisco Eligible Metropolitan Area; from March 1, 2010, through February 28, 2011. (Public Health Department)

Resolution No. 453-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091236 [Approval of contract for Personal Assisted Employment Services Program for the Department of Public Health]
Sponsor: Mar

Resolution authorizing the San Francisco Department of Public Health to enter into a contract with Richmond Area Multi-Services, Inc., to provide mental health services through the Personally Assisted Employment Services program for the term of January 1, 2010, through June 30, 2016. (Public Health Department)

Resolution No. 444-09

ADOPTED

Recommendations of the Rules Committee

091013 [Application of City's Conflict of Interest Laws to City Officers]
Sponsor: Elsbernd

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by amending sections 3.222 and 3.224 to clarify the application of prohibitions to City officers, and by adding sections 3.201 and 3.203 to name the Government Ethics Ordinance, to permit waiver of contracting prohibition, and to define "officer."

PASSED, ON FIRST READING

091075 [Settlement of Lawsuit - Bernard and Mildred Bolton - $650,000]

Ordinance authorizing settlement of the lawsuit filed by Bernard and Mildred Bolton against the City and County of San Francisco for $650,000; the lawsuit was filed on October 15, 2008, in San Francisco Superior Court, Case No. 480-896; entitled Bernard and Mildred Bolton, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091080 [Settlement of Lawsuit - Duncan Briggs - $65,000]

Ordinance authorizing settlement of the lawsuit filed by Duncan Briggs against the City and County of San Francisco for $65,000; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. 478-836; entitled Duncan Briggs, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091086 [Settlement of Lawsuit - Jeanne Schoenstein - $225,000]

Ordinance authorizing settlement of the lawsuit filed by Jeanne Schoenstein against the City and County of San Francisco and Marcelo Samame for $225,000.00, inclusive of attorneys' fees and costs; the lawsuit was filed on July 14, 2008, in San Francisco Superior Court, Case No. CGC-08-477472; entitled Schoenstein, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091186 [Settlement of Lawsuit - Gavin Smith - $55,000]

Ordinance authorizing settlement of the lawsuit filed by Gavin Smith against the City and County of San Francisco for $55,000; the lawsuit was filed on April 29, 2009, in San Francisco Superior Court, Case No. CGC-09-487887; entitled Gavin Smith v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

090998 [Settlement of Eminent Domain Lawsuit - Pacific Gas and Electric Company - $112,000]

Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas and Electric Company against the City and County of San Francisco et al., San Mateo Superior Court, Case No.449100; entitled Pacific Gas and Electric v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors' File No. 090998. (City Attorney)

PASSED, ON FIRST READING

091129 [Appointment, Entertainment Commission - Neal Cavellini]

Motion appointing Neal Cavellini, term ending July 1, 2013, to the Entertainment Commission. Neal Cavellini, succeeding Erik Joseph Pred, seat 3, term expired, shall represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2013.

Motion No. M09-182

APPROVED

091194 [Appointment, Entertainment Commission - Al Perez]

Motion approving the Mayor's nomination for appointment of Al Perez to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2013.

Motion No. M09-183

APPROVED

091223 [Appointment, Immigrant Rights Commission - Angus McCarthy]

Motion appointing Angus McCarthy, term ending June 6, 2011, to the Immigrant Rights Commission.

Angus McCarthy, succeeding himself, seat 7, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011.

Motion No. M09-184

APPROVED

091226 [Appointments, Pedestrian Safety Advisory Committee - Dahianna Lopez, Paul Supawanich, and Jay Lee]

Motion appointing Dahianna Lopez and Paul Supawanich, terms ending March 28, 2010, and Jay Lee, term ending March 28, 2011, to the Pedestrian Safety Advisory Committee.

Dahianna Lopez, succeeding Shirley Bierly, seat 8, term expired, must be representative from a public health organization, for the unexpired portion of a two-year term ending March 28, 2010.

Jay Lee, succeeding Dan Brook, seat 9, term expired, must represent the public at large, for the unexpired portion of a two-year term ending March 28, 2011.

Paul Supawanich, succeeding William Riggs, seat 10, term expired, must represent the public at large, for the unexpired portion of a two-year term ending March 28, 2010.

Motion No. M09-185

APPROVED

091227 [Appointment, Local Homeless Coordinating Board - Laura Guzman]

Motion appointing Laura Guzman, term ending October 21, 2011, to the Local Homeless Coordinating Board.

Laura Guzman, succeeding herself, seat 1, term expired, must be a member of the disabled community, for the unexpired portion of a two-year term ending October 21, 2011.

Motion No. M09-186

APPROVED

091229 [Appointment, Sweatfree Procurement Advisory Group - Julienne Fisher]

Motion appointing Julienne Fisher, term ending December 17, 2011, to the Sweatfree Procurement Advisory Board.

Julienne Fisher, succeeding Jamie Crook, seat 4, resigned, must be a member of the public, for a two-year term ending December 17, 2011.

Motion No. M09-187

APPROVED

091234 [Appointment, Veterans Affairs Commission - Stephen Noetzel]

Motion appointing Stephen Noetzel, term ending January 31, 2011, to the Veterans Affairs Commission.

Stephen Noetzel, succeeding Bud Wilson, seat 8, deceased, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2011.

Motion No. M09-188

APPROVED

091235 [Appointment, Child Care Planning and Advisory Council - Simon Lee]

Motion appointing Simon Lee, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

Simon Lee, succeeding himself, seat 4, term expired, must be a nominee of District 4 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for the unexpired portion of a three-year term ending December 31, 2011.

Motion No. M09-189

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

NEW BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

091122 [Liquor License Transfer - 1221 Polk Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 1092 Post Street to 1221 Polk Street (District 3), to Steven Black for Lush Lounge Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

(Supervisor Daly dissented in committee.)

Resolution No. 456-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

091242 [U.S. Navy - Public Participation in the Hunters Point Shipyard Restoration Project]

Sponsors: Maxwell; Mar

Resolution urging the United States Navy to immediately reinstate the Hunters Point Shipyard Restoration Advisory Board of the Hunters Point Shipyard.

Supervisor Daly, seconded by Supervisor Avalos, AMENDED, by replacing "and/or" with "or". The motion FAILED by the following vote:

Ayes: 4 - Avalos, Daly, Mar, Mirkarimi
Noes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Avalos, Daly, Mar, Mirkarimi

Resolution urging the United States Navy to reinstate the Restoration Advisory Board of the Hunters Point Shipyard and/or provide other appropriate forums to ensure meaningful public participation in the cleanup process.

Resolution No. 455-09

Supervisor Avalos requested to be removed as sponsor. Supervisor Maxwell requested to be added as sponsor.

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Recommendations of the Land Use and Economic Development Committee

081509 [Summary Vacation of a Portion of Channel Street Between 7th Street and Carolina Street and Exchange of Property]

Sponsor: Maxwell

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc.; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090678 [Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]

Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised use districts within the Bayview Hunters Point Plan Area; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090388 [Zoning - Establishing the 1500 Page Street Residential Care Special Use District]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Planning Code by adding Sections 249.41 and 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD), encompassing the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004), to permit the expansion of a building used for residential care; and adopting General Plan, Planning Code and environmental findings. (Planning Commission)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091093 [Approving Zoning Map Amendments in Connection with the 1500 Page Street Residential Care Special Use District]

Sponsor: Mirkarimi

Ordinance amending Section Maps 6H and 6SU of the Zoning Maps of the City and County of San Francisco for the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004) at the northwest corner of Masonic Avenue and Page Street, to reclassify the property from a 40-X Height and Bulk District to a 55-X Height and Bulk District, and to map the 1500 Page Street Residential Care Special Use District in order to permit the expansion of an existing building used for residential care and other considerations; and adopting General Plan, Planning Code and environmental findings. (Planning Department)

Supervisor Mirkarimi requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

091241 [Veterans Affairs Commission to Expand Membership and Establish Residency Requirement]

Sponsor: Alioto-Pier

Ordinance amending Administrative Code Section 5.102 to expand the number of members from 15 to 17 and establish a requirement that members reside in the City and County of San Francisco.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091128 [Appointment, Police Commission - James Hammer]

Motion confirming the Rules Committee's nomination of, and appointing, James Hammer, term ending April 30, 2011, to the San Francisco Police Commission.
James Hammer, succeeding Theresa Sparks, seat 1, resigned, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a four-year term ending April 30, 2011.

Motion No. M09-190

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisors Avalos and Mar Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that Supervisors Avalos and Mar be excused from voting on File No. 091262. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Avalos, Mar

091262 [Appointments, California State Association of Counties - Supervisors Mar and Avalos (Alternate)]

Motion appointing Supervisors Eric Mar and John Avalos (as an alternate member), terms ending November 28, 2010, to the California State Association of Counties.
Supervisor Eric Mar, seat 1, succeeding himself, term expiring on November 28, 2009, must be a member of the Board of Supervisors, for a one-year term ending November 28, 2010.
Supervisor John Avalos, seat 2, succeeding himself, term expiring on November 28, 2009, must be a member of the Board of Supervisors, serving as an alternate member, for a one-year term ending November 28, 2010.

Motion No. M09-191

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Avalos, Mar

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Linda Laws in recognition of 20 years of service to the City and County of San Francisco and her dedication to the Board of Supervisors Clerk of the Board's Office upon her retirement.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Al Casciato for his contributions to the City and County of San Francisco and his dedicated service as Captain of the Northern Station Police Department.

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Valerie Ziegler, a teacher at Lincoln High School, in recognition of her accomplishments and for being San Francisco Unified School District's first ever "California Teacher of the Year."

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Rea Dol and Euvonie Auguste, visitors of Haiti, in recognition of their involvement and activism in World education.

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Roberto Alvarado, Lourdes Palacios, Tomas Minero, and Francisco Polanco, visitors of El Salvador, in recognition of their involvement and activism in World environmentalism.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Terry Landry; expressed concerns relating to recall efforts.
Francisco Da Costa; expressed various concerns.
Richard McRee; expressed concerns relating to technology, inventions, and patents.
Female Speaker; expressed concerns relating to Bayview Hunters Point.
Alex Torino; expressed concerns relating to recall efforts.
Josh; expressed concerns relating to video surveillance.
Walter Paulson; shared in song certain concerns with the Board.
Eugene Gordon, Jr.; expressed various concerns.
Daniel Solberg; expressed concerns relating to democracy.
James Quioncini; expressed support for nonviolence legislation.
Female Speaker; expressed various concerns.
Donna Roma; expressed support for in-home services legislation.
Linda Evans; expressed concerns relating to hiring reforms.
Male Speaker; expressed support for in-home services legislation.
Niecey Joshua; expressed concerns relating to Bayview Hunters Point.
Male Speaker; expressed various religious concerns.
Male Speaker; expressed various concerns.
David Troppman; expressed concerns relating to taxi business regulations.
Brad Weedmeyer; expressed concerns relating to Bayview Hunters Point.
Janet Shirley; expressed support for nonviolence legislation.
Richard Robinson; expressed various concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091293 [Approval of a 30-Day Extension for Planning Commission Review]

Sponsor: Alioto-Pier

Resolution extending by 30-days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Section 303(i) to require new applicants of formula retail establishments to appoint a community liaison, and making findings of consistency with the priority policies of the Planning Code Section 101.1, and environmental findings.

Resolution No. 460-09

ADOPTED

091299 [Extending the Single Room Occupancy Task Force to December 31, 2012]

Sponsors: Dufty; Campos, Chiu and Daly

Resolution amending the Single Room Occupancy Task Force to extend it three (3) years beyond the current sunset date of December 31, 2009, to December 31, 2012, and increasing its membership by one (1) member to fourteen (14) to include one (1) additional tenant representative: nine (9) members appointed by the Board of Supervisors; four (4) appointed by designated department heads; and one (1) chair appointed by the Director of Health.

Resolution No. 457-09

ADOPTED

091301 [Approval of a Three (3) Month Extension for Planning Commission Review]
Sponsor: Elsbernd
Resolution extending by three (3) months the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Section 729 to add new Sub-section 729.52A and adding new Section 790.115 to require conditional use authorization in the West Portal Avenue Neighborhood Commercial District for certain personal service nail salons, as defined; and making findings of consistency with the General Plan, the priority policies of the Planning Code Section 101.1, and environmental findings.

Resolution No. 459-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that File No. 091292 be severed so that it may be considered separately.

091292 [Commending Northern Station Police Captain Al Casciato]
Sponsors: Alioto-Pier; Mirkarimi, Avalos, Elsbernd, Dufty, Chiu and Campos
Resolution Commending Captain Al Casciato for his contributions to the City and County of San Francisco, and his dedicated service as Captain of the Police Department's Northern Station.

Resolution No. 458-09

Supervisors Elsbernd, Dufty, Chiu, and Campos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar requested that File No. 091304 be severed so that it may be considered separately.

091304 [Endorsement of World March for Peace and Nonviolence]
Sponsors: Mar; Campos, Dufty and Avalos
Resolution endorsing the first World March for Peace and Nonviolence, calling for the end of war and nuclear arms, and the elimination of violence of all kinds.

Resolution No. 454-09

Supervisors Campos, Dufty, and Avalos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell requested that File No. 091319 be severed so that it may be considered separately.

091319 [Commending Linda Laws and Declaring November 20 2009, "Linda Laws Day"]
Sponsors: Maxwell; Chiu and Campos
Resolution commending Linda Laws on the occasion of her retirement from the Office of the Clerk of the Board of Supervisors after 20 years of service to the City and County of San Francisco and declaring November 20, 2009, "Linda Laws Day."

Resolution No. 461-09

Supervisors Chiu and Campos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

091334 [Booths and Other Private Spaces in Places of Entertainment and Extended Hours Premises]
Sponsor: Mar
Ordinance amending Sections 1060.10 and 1070.13 of the Police Code to state the visibility requirement applicable to booths and other private spaces in Places of Entertainment and Extended-Hours Premises; to state the purpose of the visibility requirement; and to authorize the Entertainment Commission to adopt regulations implementing the visibility requirement.

11/17/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/17/2009.

091336 [Public Employment - Amendment to the Annual Salary Ordinance FY 2009-2010 for the Department of the Environment]
Sponsor: Mayor
Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of one position (.63 FTE) Class 5638 Environmental Assistant in the Department of the Environment.

11/17/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

091330 [Urging the Department of Social Services to Immediately Reverse the Policy Excluding a Person with Any Felony Conviction from Serving as an In-Home Supportive Services Homecare Provider]

Sponsors: Avalos; Mar, Dufty and Mirkarimi

Resolution urging the Department of Social Services to immediately reverse the policy excluding a person with any felony conviction or serious misdemeanor from serving as an In-Home Supportive Services independent homecare provider.

11/17/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091333 [Approving a Loan Not to Exceed $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]

Sponsor: Daly

Resolution approving a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

11/17/09; RECEIVED AND ASSIGNED to Board of Supervisors.

091335 [Establishing Infill Opportunity Zones for Congestion Management Planning]

Sponsors: Mirkarimi; Maxwell

Resolution establishing Infill Opportunity Zones for Congestion Management Planning in the City and County of San Francisco under California Government Code Section 65088.

11/17/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091337 [Urging the Federal Communications Commission to Codify Strong Network Neutrality Principles]

Sponsors: Alioto-Pier; Daly

Resolution urging the Federal Communications Commission to codify strong network neutrality principles in order to ensure that the Internet will continue to foster innovation, increase competition, and spur economic growth as well as making the Internet faster and more affordable for all.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091338 [Issuance and Sale of Revenue Bonds – 2235 Third Street Apartments not to exceed $55,000,000]

Sponsor: Maxwell

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed $55,000,000 for financing the acquisition, construction and rehabilitation of 2235 Third Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091339 [Issuance and Sale of Revenue Bonds – 178 Townsend Street Housing Project not to exceed $33,000,000]

Sponsor: Daly

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed $33,000,000 for financing the rehabilitation of a housing project located at 178 Townsend Street, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091340 [Accept and Expend Grant – Screening, Brief Intervention, and Referral to Treatment – $24,790]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $24,790 from the University of California San Francisco, to assist with a project entitled "Screening, Brief Intervention, and Referral to Treatment;" for the period of September 30, 2008, through September 29, 2009.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091342 [Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]

Sponsors: Alioto-Pier; Daly

Resolution opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

091327 [Review of the Salary Scale and Growth in Number of Positions of Management Classifications in the City]

Sponsor: Avalos

Hearing to review salary scale and growth in number of positions of management and administrative classifications in the City and to consider strategies to achieve budget savings.

11/17/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091328 [Local and Disadvantaged Business Enterprise Participation in the San Francisco Public Utilities Commission and the San Francisco General Hospital Rebuild]

Sponsor: Dufty

Hearing on the Local and Disadvantaged Business Enterprise and Local Workforce participation in the San Francisco Public Utilities Commission 525 Golden Gate Building and the San Francisco General Hospital rebuild.

11/17/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091329 [Annual Review and Approval of the FY 2010-2011 Board of Supervisors/Clerk of the Board Annual Budget Guidelines]

Hearing to consider the annual review and approval of the FY 2010-2011 Board of Supervisors/Clerk of the Board Annual Budget Guidelines. (Clerk of the Board)

11/17/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091332 [Public Hearing - Approving a Loan Not to Exceed $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]

Hearing of persons interested in or objecting to proposed Resolution approving a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and Making Certain Public Benefit Findings for the Transbay Transit Center Program Under California Government Code Section 6586.5. (Clerk of the Board)

11/17/09; SCHEDULED FOR PUBLIC HEARING.

Motions

091331 [Board of Supervisors Committee of the Whole – November 24, 2009 – 3:00 p.m. Approving a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]

Sponsor: Daly

Motion scheduling the Board to sit as a Committee of the Whole on November 24, 2009, to hear the approval of a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091341 [2010 Board of Supervisors Regular Meeting Schedule]

Motion approving the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, May 25, July 6, September 7, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 18 through September 7, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

091284 [Mission Bay - Park P21 Improvements]

Ordinance designating a portion of State Trust Parcel 5 East of future Terry A. Francois Boulevard at future Mission Bay Boulevard for public open space and park purposes; naming the new park "Bayfront Park;" accepting and irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No.178,379 and authorizing official acts in connection with this Ordinance. (Public Works Department)

11/05/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091289 [Settlement of Lawsuits - David Spears and Sabrina Wigfall - $97,500]

Ordinance authorizing settlement of the lawsuits filed by David Spears and Sabrina Wigfall against the City and County of San Francisco and Kyle Adams against the City and County of San Francisco for $97,500; the lawsuits were filed on February 6, 2004, and August 1, 2008, in the United States District Court for the Northern District of California, Case Nos. 06-cv-04968 VRW and 08-vc-03696 PJH; entitled David Spears and Sabrina Wigfall v. City and County of San Francisco, et al. and Kyle Adams v. City and County of San Francisco, et al. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

091290 [Settlement of Lawsuit - Lisa Anne Haller - $230,000]

Ordinance authorizing settlement of the lawsuit filed by Lisa Anne Haller against the City and County of San Francisco for $230,000; the lawsuit was filed on March 20, 2007, in San Francisco Superior Court, Case No. 461-498; entitled Lisa Anne Haller, et al. v. City and County of San Francisco, et al. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

091291 [Settlement of Lawsuit - City and County of San Francisco - $1,260,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the Design Partnership and Del Campo and Maru, Joint Association of Architects, for (a) $1,260,000 payable to the City and County of San Francisco and (b) mutual releases; the lawsuit was filed on March 20, 2009, in San Francisco Superior Court, Case No. 09-486423; entitled City and County of San Francisco v. The Design Partnership and Del Campo and Maru, Joint Association of Architects. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091285 [Amendment to Agreement with Owens Information Systems to Extend the Term]
Resolution authorizing the Department of Technology to enter into the Eighth Amendment of an agreement with Owens Information Systems to extend the term of the agreement to fifteen years. (Department of Technology)

11/09/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091286 [Approval of Second Amendment to the Redevelopment Agency's Ground Lease within Mission Bay North and South Redevelopment Plans]
Resolution approving the Second Amendment to the San Francisco Redevelopment Agency's Ground Lease to add certain additional real property within the Mission Bay South Redevelopment Plan Area to the leased premises and to clarify certain maintenance obligations. (Public Works Department)

11/05/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091287 [Tenderloin Housing Clinic Contract Approval - $82,286,121]
Resolution approving the contract between the City and County of San Francisco and the Tenderloin Housing Clinic to provide master-leased housing for formerly homeless single adults to the Human Services Agency for the period of January 1, 2010, to June 30, 2015, in the amount of $82,286,121. (Human Services Department)

11/09/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091288 [Approval of CEQA Findings for SFPUC Harding Park Recycled Water Project]
Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation and reporting program and a statement of overriding considerations related to the Harding Park Recycled Water Project, Water System Improvement Program funded Project No. CUW 30204; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

11/09/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Requests Granted

From: Supervisors Dufty & Campos
To: Attorney General, Eric Holder
Requesting/Inquiring: Requesting a letter to:

Mr. Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

At the November 17, 2009, Board of Supervisors meeting, Supervisors Bevan Dufty and David Campos inquired about the leadership by the U.S. Department of Justice and the Federal Bureau of Investigation to ensure that the terrible murder of Jorge Steven Lopez Mercado be thoroughly investigated as a possible Hate Crime.

Enactment of the Matthew Shepard Hate Crimes Act provides important tools to ensure that justice occurs in cases involving hate directed violence and murder because of a victim's sexual orientation or gender identity.

It is disturbing that there are reports that the investigating officer made statements that Mr. Lopez Mercado deserved being murdered because of the "type of lifestyle" he was leading.

Supervisors Dufty and Campos request that the Justice Department advise the San Francisco Board of Supervisors of steps to investigate applicability of new federal civil rights violations covered by hate crime protections.

Thank you for addressing these concerns.

Very truly yours,

Angela Calvillo
Clerk of the Board

cc: Supervisor Dufty
Supervisor Campos

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Utility Boxes
Northwest corner McAllister & Webster
Southeast corner Geary & Webster

Garbage Cans
Northeast corner Buchanan & Haight
Southeast corner Central & Haight

Recreation & Park
Entrance wall in Buena Vista West

Mailbox
Southeast corner Bush & Buchanan

Emergency Box
Northeast corner Hayes & Broderick

Potholes & Median Walls
On Fillmore near Hayes, west side of street
Median wall on Geary & Webster

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

1301 Haight
799 Haight
1035 Haight
501 Haight
55 Laguna
485 Scott
1519 Haight
604 Haight
587 Haight
533 Haight
557 Haight
122 Webster
429 Webster
901 Haight
208 Scott
160 Pierce
147 Buchanan

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore & Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Southeast corner of Fillmore & Haight

San Francisco Chronicle
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic

Examiner
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore

SF Daily
Northwest corner of Hayes & Gough

City Star
Southeast corner of Fillmore & Haight

SF Weekly
Southeast corner of Masonic & Haight and Southeast corner of Haight & Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Metal Poles
Southeast corner 10th Avenue & Irving
Southwest corner Laguna & Grove
In front of 367 Haight

Wood Pole
In front of 20 Fillmore

Bus Shelters
Northeast corner Sutter & Fulton
Northwest corner Divisadero & Haight
Southeast corner Buena Vista East & Haight
Northeast corner Buena Vista East & Haight
Southwest corner Hayes & Fillmore
Southeast corner Pierce & Haight
Northeast corner McAllister & Laguna
All four bus shelters on Haight & Fillmore (graffiti & grime)

In Memoriams

James Jefferson – Entire Board
John Kovacs – Supervisor Mirkarimi
Louis K. Cherin – Supervisor Dufty
Zoe Ann Sheehy – Supervisor Dufty
Effie Lee Morris Jones – Supervisor Maxwell
Joseph Thomas Elsbernd – Entire Board
James Rogers – Supervisor Elsbernd
Andrea Lewis – Supervisors Mar, Avalos, and Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:32 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 5, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

JAN 14 2010

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Tuesday, November 17, 2009 - 2:05 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Special Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee

Volume 104 Number 40

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL

The meeting was called to order at 2:55 p.m. On the call of the roll, all Supervisors were noted present.

COMMUNICATIONS

Board of Supervisors President, David Chiu, communicated that no files agendized were sent as Committee Reports.

COMMITTEE REPORTS

091246 [Appropriating $7,057,111 to Restore Positions Effective November 16, 2009, in the Department of Public Health for FY 2009-2010]

Sponsors: Daly; Mirkarimi, Mar and Campos

Ordinance appropriating $7,057,111 in General Fund Reserve to add 322.39 full-time equivalent positions and delete 272.95 full-time equivalent positions effective November 16, 2009, in the Department of Public Health for FY 2009-2010.
(Fiscal Impact.)

This item was not sent as a Committee Report.

091247 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Daly; Campos

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.95 FTEs in various job classes for 16.3 pay periods (November 16, 2009, through June 30, 2010) in the Department of Public Health.
(Fiscal Impact.)

This item was not sent as a Committee Report.

091202 [Appropriating $1,881,896 to Fund the Restoration of Positions for Two (2) Months in the Department of Public Health for FY 2009-2010]

Sponsors: Avalos; Mirkarimi, Campos and Mar

Ordinance appropriating $734,289 in General Fund Reserve to support the cost of converting eighty-eight (88) Patient Care Assistant Positions (Job Classification 2303) to Certified Nursing Assistant Positions (Job Classification 2302) effective January 1, 2010, at San Francisco General Hospital in the Department of Public Health for FY 2009-2010.
(Fiscal Impact.)

This item was not sent as a Committee Report.

091203 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Avalos; Mirkarimi and Mar

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to reflect the conversion of 44.00 FTEs (88.00 positions) from Patient Care Assistants to Certified Nursing Assistants for 13.1 pay periods (January 1, 2010, through June 30, 2010) at San Francisco General Hospital in the Department of Public Health.
(Fiscal Impact.)

This item was not sent as a Committee Report.

091297 [Expressing the Commitment of the Board of Supervisors to Refund the General Fund Reserve with Revenue from Assembly Bills 1383 and 188]

Sponsors: Chiu; Dufty and Daly

Resolution expressing the commitment of the Board of Supervisors to backfill reductions in the General Fund Reserve with revenues from Assembly Bills 1383 and 188.

This item was not sent as a Committee Report.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 2:57 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 5, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

JAN 1 4 2010

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Tuesday, November 24, 2009 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	**Meeting Days**
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee

Volume 104 Number 41

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on November 17, 2009, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from John Arntz, Director of Elections, certifying the results of the votes as cast at the General Municipal Election held on November 3, 2009.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

090388 [Zoning - Establishing the 1500 Page Street Residential Care Special Use District]
Sponsor: Mirkarimi
Ordinance amending the San Francisco Planning Code by adding Sections 249.41 and 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD), encompassing the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004), to permit the expansion of a building used for residential care; and adopting General Plan, Planning Code and environmental findings. (Planning Commission)

Ordinance No. 248-09

FINALLY PASSED

091093 [Approving Zoning Map Amendments in Connection with the 1500 Page Street Residential Care Special Use District]

Sponsor: Mirkarimi

Ordinance amending Section Maps 6H and 6SU of the Zoning Maps of the City and County of San Francisco for the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004) at the northwest corner of Masonic Avenue and Page Street, to reclassify the property from a 40-X Height and Bulk District to a 55-X Height and Bulk District, and to map the 1500 Page Street Residential Care Special Use District in order to permit the expansion of an existing building used for residential care and other considerations; and adopting General Plan, Planning Code and environmental findings. (Planning Department)

Ordinance No. 247-09

FINALLY PASSED

Recommendations of the Public Safety Committee

091244 [Accept and Expend Grant - San Francisco Elder Abuse Project - $300,000]

Sponsor: Chiu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $300,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "San Francisco Elder Abuse Project" for FY July 2009 through June 2012.

Resolution No. 468-09

ADOPTED

091245 [Accept and Expend Grant - Center for Academic Re-entry for Truant Students - $238,000]

Sponsor: Chiu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $238,000 through the United States Department of Education, for a program entitled "Center for Academic Re-Entry Expansion Project for Truant Students" for the period from August 24, 2009, through August 31, 2011.

Resolution No. 466-09

ADOPTED

091253 [Accept and Expend Grant - H1N1 Swine Flu Information and Guidance Team - $180,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $180,000 from the Metta Fund to support the Swine Flu Information and Guidance Team; for the period of October 6, 2009, through October 5, 2010.

Resolution No. 474-09

ADOPTED

Recommendations of the Rules Committee

090998 [Settlement of Eminent Domain Lawsuit - Pacific Gas and Electric Company - $112,000]

Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas and Electric Company against the City and County of San Francisco et al., San Mateo Superior Court, Case No.449100; entitled Pacific Gas and Electric v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors' File No. 090998. (City Attorney)

Ordinance No. 243-09

FINALLY PASSED

091013 [Application of City's Conflict of Interest Laws to City Officers]

Sponsor: Elsbernd

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by amending sections 3.222 and 3.224 to clarify the application of prohibitions to City officers, and by adding sections 3.201 and 3.203 to name the Government Ethics Ordinance, to permit waiver of contracting prohibition, and to define "officer."

Ordinance No. 244-09

FINALLY PASSED

091075 [Settlement of Lawsuit - Bernard and Mildred Bolton - $650,000]

Ordinance authorizing settlement of the lawsuit filed by Bernard and Mildred Bolton against the City and County of San Francisco for $650,000; the lawsuit was filed on October 15, 2008, in San Francisco Superior Court, Case No. 480-896; entitled Bernard and Mildred Bolton, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 246-09

FINALLY PASSED

091080 [Settlement of Lawsuit - Duncan Briggs - $65,000]

Ordinance authorizing settlement of the lawsuit filed by Duncan Briggs against the City and County of San Francisco for $65,000; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. 478-836; entitled Duncan Briggs, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 251-09

FINALLY PASSED

091086 [Settlement of Lawsuit - Jeanne Schoenstein - $225,000]

Ordinance authorizing settlement of the lawsuit filed by Jeanne Schoenstein against the City and County of San Francisco and Marcelo Samame for $225,000.00, inclusive of attorneys' fees and costs; the lawsuit was filed on July 14, 2008, in San Francisco Superior Court, Case No. CGC-08-477472; entitled Schoenstein, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 250-09

FINALLY PASSED

091186 **[Settlement of Lawsuit - Gavin Smith - $55,000]**

Ordinance authorizing settlement of the lawsuit filed by Gavin Smith against the City and County of San Francisco for $55,000; the lawsuit was filed on April 29, 2009, in San Francisco Superior Court, Case No. CGC-09-487887; entitled Gavin Smith v. City and County of San Francisco. (City Attorney)

Ordinance No. 249-09

FINALLY PASSED

091241 **[Veterans Affairs Commission to Expand Membership and Establish Residency Requirement]**

Sponsor: Alioto-Pier

Ordinance amending Administrative Code Section 5.102 to expand the number of members from 15 to 17 and establish a requirement that members reside in the City and County of San Francisco.

Ordinance No. 245-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Maxwell requested that File No. 081509 be severed so that it might be considered separately.

081509 **[Summary Vacation of a Portion of Channel Street Between 7th Street and Carolina Street and Exchange of Property]**

Sponsor: Maxwell

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc.; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc. and Sunset Scavenger Company; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

FINALLY PASSED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be PREVIOUS VOTE RESCINDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED, and continued to December 8, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091212 [Amendment to the FY 2009-2010 Redevelopment Agency Budget]

Sponsors: Mayor; Avalos

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY 2009-2010 to (1) authorize the expenditure in an amount not to exceed $28,700,000 for payment to the Educational Revenue Augmentation Fund; (2) authorize an increase in expenditures in an amount not to exceed $156,000 for additional grant reimbursements from the U.S. Department of Commerce, Economic Development Administration (EDA); and (3) authorize an increase in expenditures in an amount not to exceed $1,033,417 for additional Housing Opportunities for Persons with AIDS (HOPWA) funding.
(Fiscal Impact.)

Resolution No. 473-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091272 [Port Commission Revenue Bond Law]

Sponsors: Mayor; Chiu

Ordinance amending the San Francisco Administrative Code by adding Chapter 43, Article XII, Sections 43.12.1 through 43.12.8, to authorize the issuance of revenue bonds by the Port Commission.

Supervisor Chiu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091273 [Port Commission Revenue Bonds Not to Exceed $45,000,000]

Sponsors: Mayor; Chiu

Resolution authorizing the issuance of up to $45,000,000 aggregate principal amount of Port Commission revenue bonds for the purpose of financing certain capital improvements related to the Port; approving the forms of documents relating thereto; approving the maximum interest thereon; and related matters.
(Fiscal Impact.)

Resolution No. 469-09

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091274 [Appropriating $33,395,571 of Port Revenue Bond Proceeds for Pier Repairs and Renovations at the Port of San Francisco for FY 2009-2010]

Sponsors: Mayor; Chiu

Ordinance appropriating $33,395,571 of bond revenue for the Port of San Francisco to make repairs and renovations to Piers 35, 33, 19 or 23, 27, and 50 for FY 2009-2010, and placing $33,395,571 on Controller's reserve pending sale of bonds.
(Fiscal Impact.)

Supervisor Chiu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090832 [Approval of Surface Mining Permit 30 Sunol Valley Quarry Lease]

Resolution authorizing the General Manager of the Public Utilities Commission to enter into a quarry lease for a 308.5 acre parcel located in unincorporated Alameda County in the Sunol Valley with Oliver de Silva, Inc., as tenant, through June 1, 2021, pursuant to San Francisco Charter Section 9.118, with rights to extend the term for two years to complete reclamation and with potential expansion and extension rights subject to further environmental review and regulatory approvals. (Public Utilities Commission)
(Fiscal Impact.)

Resolution No. 467-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091243 [Support Goals for Federal Funding - Community Development Block Grant]

Sponsor: Avalos

Resolution supporting FY 2010-2011 Community Development Block Grant Action Plan Goals.

Resolution No. 472-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091248 [Resolution of Intention to Establish Special Tax District No. 2009-1]

Sponsors: Mayor; Mar

Resolution of Intention to establish special tax district to finance energy efficiency and renewable energy capital improvements to residential, commercial, industrial, or other property; to establish boundaries of the Special Tax District; to specify the rate or rates of Special Tax applicable to a parcel or parcels in the Special Tax District; to authorize the issuance of up to $150,000,000 of Special Tax Bonds to finance the capital improvements; to call a public hearing on the establishment of the Special Tax District and provide for the publication of notice thereof; and other matters relating thereto.

Resolution No. 464-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091249 [Resolution of Intention to Incur Bonded Indebtedness in an Amount Not to Exceed $150,000,000]

Sponsors: Mayor; Mar

Resolution of Intention to incur bonded indebtedness in an amount not greater than $150,000,000 of special tax bonds to finance the costs of energy efficiency, water conservation and renewable energy projects on real property.

Supervisor Mar, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED on Page 2, Line 20, by adding "12" and replacing "2:00 p.m." with "3:00 p.m.". The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution No. 465-09

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

091158 [Board Response to the 2008-2009 Civil Grand Jury Report Entitled "Nonprofits, The Good, The Bad, The Ugly"]

Sponsor: Mirkarimi

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled “Nonprofits, The Good, The Bad, The Ugly,” and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget.

Resolution No. 475-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091159 [Board Response to the 2008-2009 Civil Grand Jury Report Entitled "Pensions: Beyond Our Ability to Pay"]

Sponsor: Mirkarimi

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "Pensions: Beyond Our Ability to Pay," and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget

Resolution No. 477-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091160 [Board Response to the 2008-2009 Civil Grand Jury Report Entitled "TRUANTS CAN BE 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or Systematic Ineffectiveness Prevent Future Progress"]

Sponsor: Mirkarimi

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "TRUANTS CAN BE 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or Systematic Ineffectiveness Prevent Future Progress," and urging the San Francisco Unified School District (SFUSD) to develop a comprehensive truancy reduction plan for use throughout the school district.

Resolution No. 476-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

091207 [Extending the Yerba Buena Center Redevelopment Plan]

Sponsor: Daly

Ordinance approving amendments to the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the plan (other than the Emporium Site) and, upon expiration of the Plan, to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan to continue financing Low and Moderate Income Housing Fund activities under the Plan.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

091278 [Public Hearing - Acquisition of Property by Eminent Domain - Subsurface Tunnel Easements in Alameda County and San Mateo County]

Hearing of persons interested in or objecting to proposed Resolution authorizing acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-008 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County referenced in File No. 091279. Julie Labonte (Public Utilities Commission) provided an overview of the project and responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

091279 [Resolution to Acquire Real Property Interests by Eminent Domain-Water System Improvement Program-Funded Bay Division Pipeline Reliability Upgrade Tunnel]

Sponsor: Mayor

Resolution authorizing acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-008 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

Resolution No. 471-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

091332 [Public Hearing - Approving a Loan Not to Exceed $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]

Hearing of persons interested in or objecting to proposed Resolution approving a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and Making Certain Public Benefit Findings for the Transbay Transit Center Program Under California Government Code Section 6586.5. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to approval of a loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority referenced in File No. 091333. Transbay Joint Powers Authority representative provided an overview. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

091333 [Approving a Loan Not to Exceed $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]

Sponsor: Daly

Resolution approving a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

Resolution No. 470-09

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented Certificates of Honor to Andrea Carmen and Morning Star Gali of the International Indian Treaty Council in recognition of their accomplishments and continued community support.

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Carol Mo of the Beacon Center in recognition of her accomplishments and community support within the Sunset District.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Juanito Reyes in recognition of his community service to the Guatemalan American community in San Francisco and his continued efforts to preserve Guatemalan culture and arts.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Captain Michael J. Flynn in recognition of his accomplishments in the Marine Corps and his continued support to our Nation.

COMMITTEE REPORTS

091076 **[Settlement of Lawsuit - Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco - $1,750,000]**

Ordinance authorizing settlement of the lawsuit filed by Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco against the City and County of San Francisco for $1,750,000; the lawsuit was filed on January 16, 2009, in San Francisco Superior Court, Case No. 484-171; entitled Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091305 [Accept and Expend Grant - Point Lobos Streetscape Improvements Project - $461,000]

Sponsor: Mar

Resolution authorizing the Department of Public Works to accept and expend a Federal grant in the amount of $408,123 and a State grant in the amount of $52,877 from the Metropolitan Transportation Commission for the Point Lobos Streetscape Improvements Project.

Resolution No. 478-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091202 [Appropriating $1,881,896 to Fund the Restoration of Positions for Two (2) Months in the Department of Public Health for FY 2009-2010]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance appropriating $7,953,732 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 322.39 full-time equivalent (FTEs) positions and delete 272.95 full-time equivalent positions effective November 16, 2009, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release $7,953,732 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for Fiscal Year 2009-2010.

Supervisor Campos duplicated File No. 091202 (see File No. 091353).

Supervisor Campos, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to appropriate $1,881,896 to fund the restoration of positions for a two-month period in the Department of Public Health for FY 2009-2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance appropriating $1,881,896 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 85.97 full-time equivalent (FTEs) positions and delete 72.79 FTE positions effective November 16, 2009, through January 16, 2010, and release $1,881,896 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.
(Supervisor Chu dissented in committee.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

091353 [Appropriating $6,071,836 to Fund the Restoration of Positions in the Department of Public Health for FY 2009-2010]

Ordinance appropriating $7,953,732 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 322.39 full-time equivalent (FTEs) positions and delete 272.95 full-time equivalent positions effective November 16, 2009, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release $7,953,732 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for Fiscal Year 2009-2010.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be TABLED. The motion FAILED by the following vote:

Ayes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell
Noes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to back-out the previous appropriation of $1,881,896. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance appropriating $6,071,836 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 236.42 full-time equivalent (FTEs) positions and delete 200.16 FTE positions effective January 17, 2010, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release $6,071,836 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to December 15, 2009. The motion carried by the following vote:

Ayes: 6 - Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Avalos, Chu, Elsbernd, Maxwell

091203 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.95 FTEs in various job classes for 16.3 pay periods (November 16, 2009 through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010 through June 30, 2010) in the Department of Public Health.
(Fiscal Impact.)

Supervisor Daly duplicated File No. 091203 (see File No. 091354).

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to conform to appropriations in File Nos. 091202 and 091353. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 85.97 FTEs in various job classes and delete 72.79 FTEs in various job classes for two months (November 16, 2009, through January 16, 2010) in the Department of Public Health.
(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

091354 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.16 FTEs in various job classes for 16.3 pay periods (November 16, 2009, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to conform to appropriations in File Nos. 091202 and 091353. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to December 15, 2009. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Avalos, Chu, Elsbernd

091297 [Expressing the Commitment of the Board of Supervisors to Refund the General Fund Reserve with Revenue from Assembly Bills 1383 and 188]

Sponsors: Chiu; Dufty and Daly

Resolution expressing the commitment of the Board of Supervisors to backfill reductions in the General Fund Reserve with revenues from Assembly Bills 1383 and 188.

This item was not sent as a Committee Report.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Walter Paulson; shared in song certain concerns with the Board.
Janet Shirley; spoke in support of non-violence legislation.
Tan Mori; spoke in support of non-violence legislation.
Ashley Ortiz; spoke in opposition to network neutrality principles legislation.
Regina Casa; spoke in support of network neutrality principles legislation.
Tracy Rosenberg; spoke regarding network neutrality principles.
Ralph Neilon; spoke in support of network neutrality principles.
Male Speaker; expressed concerns relating to environmental nutrition and food policy.
Male Speaker; expressed various religious concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.
Male Speaker; expressed concerns relating to current lay-offs.
Joe Donahue; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091338 [Issuance and Sale of Revenue Bonds – 2235 Third Street Apartments not to exceed $55,000,000]

Sponsor: Maxwell

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed $55,000,000 for financing the acquisition, construction and rehabilitation of 2235 Third Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

Resolution No. 462-09

ADOPTED

091339 [Issuance and Sale of Revenue Bonds – 178 Townsend Street Housing Project not to exceed $33,000,000]

Sponsor: Daly

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed $33,000,000 for financing the rehabilitation of a housing project located at 178 Townsend Street, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

Resolution No. 463-09

ADOPTED

091340 [Accept and Expend Grant – Screening, Brief Intervention, and Referral to Treatment – $24,790]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $24,790 from the University of California San Francisco, to assist with a project entitled "Screening, Brief Intervention, and Referral to Treatment;" for the period of September 30, 2008, through September 29, 2009.

Resolution No. 479-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 081509 be severed so that it might be considered separately.

091331 [Board of Supervisors Committee of the Whole – November 24, 2009 – 3:00 p.m. Approving a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]

Sponsor: Daly

Motion scheduling the Board to sit as a Committee of the Whole on November 24, 2009, to hear the approval of a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

Motion No. M09-192

The President inquired as to whether any member of the public wished to address the Board relating to the motion to sit as a committee of the whole referenced in File No. 091331. There were no speakers. The President declared public comment closed.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly requested that File Nos. 091337 and 091342 be severed so that they may be considered separately.

091337 [Urging the Federal Communications Commission to Codify Strong Network Neutrality Principles]

Sponsors: Alioto-Pier; Daly

Resolution urging the Federal Communications Commission to codify strong network neutrality principles in order to ensure that the Internet will continue to foster innovation, increase competition, and spur economic growth as well as making the Internet faster and more affordable for all.

Supervisor Daly requested to be added as a co-sponsor.

REFERRED to the Rules Committee

091342 [Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]

Sponsors: Alioto-Pier; Daly

Resolution opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

Supervisor Daly requested to be added as a co-sponsor.

REFERRED to the Rules Committee

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

091368 [Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $7,739,300]

Sponsor: Mayor

Ordinance authorizing the San Francisco Public Utilities Commission to accept and expend a grant in the amount of $7,739,300 from the U.S. Department of Energy through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) under the Energy Independence and Security Act of 2007 (Pub. L. 110-140; 42 U.S.C. 17151 et seq.) for the Municipal Building Energy Efficiency Retrofit, Community Resilience, and Heating Systems Programs, and amending Ordinance Number 183-09 to reflect the addition of one and seven-tenths (1.7) grant-funded positions at the Department of the Environment.

11/24/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091370 [Determining Surviving Spouse Status for Retirement Purposes]
Sponsor: Elsbernd
Ordinance amending Chapter 16 of the Administrative Code by adding Administrative Code Section 16.80-8 to determine qualifications for "surviving spouse" status under the City's retirement plans.

11/24/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/24/2009.

091374 [Accept and Expend Grant - FY 09 Urban Area Security Initiative and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $32,510,600]
Sponsor: Elsbernd
Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the Urban Areas Security Initiative ("UASI") Approval Authority, to retroactively accept and expend a UASI grant in the amount of $32,510,600 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect: the addition of one (1) grant-funded position (.50 FTE) in Class 5277 Planner I and one (1) grant-funded position (.50 FTE) in Class 5293 Planner IV, and the deletion of one (1) grant-funded position (.75 FTE) in Class 1426 Senior Clerk Typist, all in the Department of Emergency Management.

11/24/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091376 [Accept and Expend Grant - FY 09 Regional Catastrophic Preparedness Program and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $4,822,667]
Sponsor: Elsbernd
Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program ("RCPGP") Bay Area Site and as fiscal agent for the UASI Approval Authority, to retroactively accept and expend a RCPGP grant in the amount of $4,822,667 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide $167,188 in matching funds; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of two (2) grant-funded positions (.50 FTE total) in Class 5291 Planner III in the Department of Emergency Management.

11/24/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

091352 [Extending the Term of Service for the Power Plant Task Force]
Sponsor: Maxwell
Resolution to extend the expiration date of the Power Plant Task Force from December 31, 2009, to December 31, 2010.

11/24/09; RECEIVED AND ASSIGNED to Rules Committee.

091355 [Accept and Expend Grant - eLearning Modules to Support HIV Research - $35,125]

Sponsors: Dufty; Campos

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $35,125 from the Fred Hutchinson Cancer Research Center to assist with a project entitled "eLearning Modules to Support HIV Research;" for the period of June 1, 2009, through May 31, 2010.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091356 [Authorizing the Director of Public Works or Designee to Request a Cooperative Work Agreement from the California Department of Finance]

Sponsor: Mayor

Resolution authorizing the Director of Public Works or his or her designee to request a Cooperative Work Agreement from the California Department of Finance to extend the expiration date for a Federal transportation grant expiring on June 30, 2010.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091357 [Accept and Expend Grant - HPV Epidemiology and Responses To Screening - $12,760]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $12,760 from the University of California San Francisco (UCSF), to assist with a project entitled "HPV Epidemiology and Response to Screening;" for the period of August 11, 2009, through July 31, 2010.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091358 [Urging the San Francisco State Lobbyists to Facilitate the Implementation of AB 1383]

Sponsors: Daly; Campos

Resolution urging City of San Francisco Lobbyists to facilitate the implementation of AB 1383, and establishing a general framework of the quality assurance fee and increased Medi-Cal payments to hospitals.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091360 [Redevelopment Agency Lease of Land at 249 Eddy Street, and 161-165 Turk Street to Turk & Eddy Associates, L.P.]

Sponsor: Daly

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

11/24/09; RECEIVED AND ASSIGNED to Board of Supervisors.

091362 [Commemorate the 40th Anniversary of the Occupation of Alcatraz Island]

Sponsors: Mar; Campos

Resolution commemorating the 40th Anniversary of the Occupation of Alcatraz Island from November 20, 1969, to June 11, 1971.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091363 [California Master Plan for Education]

Sponsors: Mirkarimi; Campos

Resolution Calling on the State, the UC Regents, the CSU Board of Trustees, and the Board of Governors of the California Community Colleges to recommit to the California Master Plan for Higher Education.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091364 [Urging the United States to Enter into a Strong International Treaty to Address Climate Change]

Sponsors: Mirkarimi; Campos

Resolution urging the President of the United States, at the UN Climate Change Conference scheduled for December 2009 in Copenhagen, to negotiate and sign, the Senate to ratify and the Congress of the United States to support legislatively a strong treaty to address climate change.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091365 [Supporting the Recommendations Contained in the Report of the Peak Oil Preparedness Task Force]

Sponsors: Mirkarimi; Mar

Resolution in support of the measures and actions to mitigate the effects of declining fossil fuel supplies recommended in the report of the San Francisco Peak Oil Preparedness Task Force.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091366 [Approval of a 30-Day Extension for Planning Commission Review of the Telegraph Hill-North Beach Residential Special Use District]

Sponsor: Chiu

Resolution extending, by 30-days, the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would require a Conditional Use Authorization for the installation of a garage opening in existing buildings, reduce the parking requirements in certain Northeast Neighborhoods, and creating the Telegraph Hill-North Beach Residential Special Use District, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and environmental findings.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091369 [Revenue Contract with PG&E Energy Conservation Programs]

Sponsor: Mayor

Resolution authorizing the Department of the Environment under Charter Section 9.118 to enter into a contract for up to $11,540,000 with Pacific Gas and Electric Company (PG&E), to implement an Energy Use and Demand Reduction through Energy Efficiency Program in the City and County of San Francisco.

11/24/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091373 [Accept and Expend Grant - SF General Hospital Shuttle Bus Project - $100,245]

Sponsor: Maxwell

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant totaling $100,245 from the Bay Area Air Quality Management District to implement a shuttle service connecting San Francisco General Hospital and Mission Bay campuses with major transit hubs in San Francisco; for the period of January 15, 2010, through January 15, 2012.

11/24/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091375 [Accept and Expend Grant - Southeast Health Opportunities - $450,000]

Sponsors: Maxwell; Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of $450,000 to assist with a project entitled "Southeast Health Opportunities (SHOP);" for the period of September 30, 2009, through September 29, 2010.

11/24/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091378 [Declaration of Election Results of November 3, 2009, Municipal Election]

Sponsor: Chiu

Resolution declaring the results of the November 3, 2009, Municipal Election

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

091361 [Approving the Redevelopment Agency's Lease of Land at 249 Eddy Street, and 161-165 Turk Street to Turk & Eddy Associates, L.P.]

Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

11/24/09; RECEIVED AND ASSIGNED to Board of Supervisors.

091372 [Altering Allowable Shading of Parks by New Development]
Sponsor: Chiu

Hearing to discuss proposed changes to Proposition K altering allowable shading of parks by new development.

11/24/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091377 [Budget and Legislative Analyst Annual Work Plan and Service Hours Allocation]

Hearing to determine the Budget and Legislative Analyst Annual Work Plan and Service Area Hours Allocation, to be provided by the Budget & Legislative Analyst: Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, A Joint Venture, once the Agreement has been approved. (Clerk of the Board)

11/24/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motions

091359 [Committee of the Whole – December 8, 2009 - 3:00 p.m. - to Hold a Public Hearing on the Approval of a Redevelopment Ground Lease of Land at 249 Eddy Street, and 161-165 Turk Street]
Sponsor: Daly

Motion scheduling the Board to sit as a Committee of the Whole on December 8, 2009, to hold a public hearing on the approval of Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091367 [Professional Services Agreement for Budget and Legislative Analyst Service with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, a Joint Venture]

Motion authorizing the Clerk of the Board of Supervisors to enter into a Professional Services Agreement for Budget and Legislative Analyst Service with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, a Joint Venture and approving said agreement, pursuant to Charter Section 2.117. (Clerk of the Board)

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

There were none.

PROPOSED RESOLUTIONS

091324 [Airport Concession Lease]

Resolution approving the Pay Phone Lease between Pelican Communications, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

11/12/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091326 [CEQA Findings for San Francisco Public Utilities Commission New Irvington Tunnel Project in Alameda County and Fremont]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the New Irvington Tunnel Project, CUW 35901; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

11/16/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Elsbernd
To: Controller, Ben Rosenfield
Requesting/Inquiring: Supervisor Sean R. Elsbernd inquires as to the costs incurred by the City and County of San Francisco during the Monday, November 23, 2009 SEIU 1021 protest that blocked part of Market Street and led to the arrest of a number of protesters for obstructing traffic. Supervisor Elsbernd specifically requests that the Controller report on the overtime costs incurred by the San Francisco Police Department during the incident.

From: Supervisor Daly
To: City Attorney
Requesting/Inquiring: Request letter to City Attorney re: Changes to the Shelter Grievance Policy.

Re: Changes to the Shelter Grievance Policy

Supervisor Daly inquires changes to the shelter grievance policy. A change to the San Francisco Shelter Grievance Policy occurred approx. July 1, 2009 Appendix 6 "Single Adult Shelter Reservation Extensions" and as a result 7 day reservation and 14 day extensions that are cancelled are not eligible for the Arbitration Process and or the third check-in /Curfew violation will result in an immediate denial of service (DOS).

Through BOS hearings, HSA departmental testimony, advocate testimony and constituent complaints we are finding that a significant portion of beds are "dropped" or canceled daily due to computer and or human error (approximately 1,000 to 1,800 dropped beds per year). Given that Appendix 6 which has been described to advocates as a "work in progress" is also being enforced since July 2009 thus unilaterally denying clients ability to a grievance procedure.

Did HSA follow proper procedure in amending the Shelter Grievance Policy through Appendix 6 denying a clients right to a grievance procedure due to computer and or human error?

Does HSA's unilaterally change to the San Francisco Shelter Grievance Policy through Appendix 6 denying a client's right to an arbitration process due to computer and or human error present a reasonable or fair change to the policy?

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore & Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Northwest corner of Hayes & Fillmore
Southeast corner of Fillmore & Haight

San Francisco Chronicle
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic

Examiner
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore

SF Daily
Northwest corner of Hayes & Gough

City Star
Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly
Southeast corner of Masonic & Haight
Southeast corner of Haight & Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes
Northeast corner of Fell & Laguna
Northeast corner Oak & Laguna
Northeast corner Waller & Scott
Northwest Steiner & Oak
Southeast corner Webster & Fell

Bus Shelter
Southwest corner Masonic & Haight
Fillmore & Haight (all 4 bus stops, graffiti and grime)

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Wood Pole
Southeast corner Haight & Fillmore
In front of 406 Buchanan
Northeast corner Germania & Fell

Metal Pole
Northeast Clayton & Grove
Southeast Ashbury & Haight
In front of 247 Fillmore
Southwest Oak & Laguna

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

899 Cole
730 Stanyan
497 Fulton
250 Scott

485 Scott
400 Page
398 Fillmore
702 Haight
542 Haight
399 Haight, Webster Street side
901 Haight
457 Haight
295 Buchanan
355 Laguna

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
Southwest corner Cole & Haight
Northwest corner Fulton & Gough

Mailboxes
On Geary between Fillmore & Steiner, south side of street
Northeast corner Fillmore & Waller
Northeast corner Hayes & Grove
Southeast corner Masonic & Fulton
Southeast corner Buena Vista East & Haight
Southeast corner Buena Vista West & Haight

In Memoriam

Edward E. Murphy – Supervisor Carmen Chu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:34 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 5, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

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Tuesday, December 8, 2009 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	**Meeting Days**
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee

Volume 104 Number 42

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091272 **[Port Commission Revenue Bond Law]**

Sponsors: Mayor; Chiu

Ordinance amending the San Francisco Administrative Code by adding Chapter 43, Article XII, Sections 43.12.1 through 43.12.8, to authorize the issuance of revenue bonds by the Port Commission.

Ordinance No. 258-09

FINALLY PASSED

091274 **[Appropriating $33,395,571 of Port Revenue Bond Proceeds for Pier Repairs and Renovations at the Port of San Francisco for FY 2009-2010]**

Sponsors: Mayor; Chiu

Ordinance appropriating $33,395,571 of bond revenue for the Port of San Francisco to make repairs and renovations to Piers 35, 33, 19 or 23, 27, and 50 for FY 2009-2010, and placing $33,395,571 on Controller's reserve pending sale of bonds.
(Fiscal Impact.)

Ordinance No. 257-09

FINALLY PASSED

090679 [Amendment to the John Stewart Company Sublease]

Resolution approving and authorizing the execution of a Fifth Amendment to Sublease with the John Stewart Company to discontinue Earthquake and Flood Insurance. (Treasure Island Development Authority)

Resolution No. 498-09

ADOPTED

091266 [Prevailing Wages for Workers on Public Works/Improvement Projects, Janitorial Services, Public Off-Street Parking Lots, Garages, or Auto Storage Facilities, Theatrical Services, Moving Services and Hauling Solid Waste]

Sponsor: Mirkarimi

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (Civil Service Commission)

Resolution No. 497-09

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

091270 [Accept and Expend Grant - Urban Trails of San Francisco - $1,000,000]

Sponsors: Dufty; Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Substance Abuse and Mental Health Services Administration in the amount of $1,000,000 to provide direct services for American Indian/Alaskan Native children and families; for the period of September 30, 2009, through September 29, 2010.

Resolution No. 496-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

091207 [Extending the Yerba Buena Center Redevelopment Plan]

Sponsor: Daly

Ordinance approving amendments to the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the plan (other than the Emporium Site) and, upon expiration of the Plan, to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan to continue financing Low and Moderate Income Housing Fund activities under the Plan.

Ordinance No. 256-09

FINALLY PASSED

Recommendations of the Rules Committee

091076 [Settlement of Lawsuit - Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco - $1,750,000]

Ordinance authorizing settlement of the lawsuit filed by Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco against the City and County of San Francisco for $1,750,000; the lawsuit was filed on January 16, 2009, in San Francisco Superior Court, Case No. 484-171; entitled Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 255-09

FINALLY PASSED

091264 [Settlement of Lawsuits - Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox - $217,000]

Ordinance authorizing settlement of two lawsuits, which were filed by Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox against the City and County of San Francisco and its employees for a total amount of $217,000; the first lawsuit was filed on January 14, 2005, in the United States District Court for the Northern District of California, Case No. C05-0280 VRW/WAF, entitled Earnest Henderson, et al., v. City and County of San Francisco, et al.; the second lawsuit was filed on October 18, 2005, in the United States District Court for the Northern District of California, Case No. C05-4220 VRW; entitled Mack Woodfox v. City and County of San Francisco, et al.; the above total settlement amount also includes all claims for costs and attorneys' fees. (City Attorney)

PASSED, ON FIRST READING

091265 [Settlement of Lawsuits - Joanne Lozenski, Juanita Stockwell, and Susan Rolovich - $95,000]

Ordinance authorizing settlement of the lawsuit filed by Joanne Lozenski, Juanita Stockwell, and Susan Rolovich against the City and County of San Francisco, Alex Fagan, and Rod Nakanishi for $95,000; the lawsuit was filed on December 14, 2004, in San Francisco Superior Court, Case No. 04-436254; entitled Lozenski, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091289 [Settlement of Lawsuits - David Spears and Sabrina Wigfall - $97,500]

Ordinance authorizing settlement of the lawsuits filed by David Spears and Sabrina Wigfall against the City and County of San Francisco and Kyle Adams against the City and County of San Francisco for $97,500; the lawsuits were filed on February 6, 2004, and August 1, 2008, in the United States District Court for the Northern District of California, Case Nos. 06-cv-04968 VRW and 08-vc-03696 PJH; entitled David Spears and Sabrina Wigfall v. City and County of San Francisco, et al. and Kyle Adams v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091290 [Settlement of Lawsuit - Lisa Anne Haller - $230,000]

Ordinance authorizing settlement of the lawsuit filed by Lisa Anne Haller against the City and County of San Francisco for $230,000; the lawsuit was filed on March 20, 2007, in San Francisco Superior Court, Case No. 461-498; entitled Lisa Anne Haller, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091291 [Settlement of Lawsuit - City and County of San Francisco - $1,260,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the Design Partnership and Del Campo and Maru, Joint Association of Architects, for (a) $1,260,000 payable to the City and County of San Francisco and (b) mutual releases; the lawsuit was filed on March 20, 2009, in San Francisco Superior Court, Case No. 09-486423; entitled City and County of San Francisco v. The Design Partnership and Del Campo and Maru, Joint Association of Architects. (City Attorney)

PASSED, ON FIRST READING

091318 [Appointments, Graffiti Advisory Board - Nino Parker, David Crommie and Debbie Shea]

Motion appointing Nino Parker, David Crommie and Debbie Shea, terms ending April 10, 2011, to the Graffiti Advisory Board.

Nino Parker, succeeding himself, seat 12, term expired, must represent youth groups who provide services for juveniles involved in alternative programs for graffiti diversion.

David Crommie, succeeding Leigh Ann Baughman, seat 13, resigned, must represent nonprofit organizations that provide services related to the City's beautification and neighborhood cleanup programs.

Debbie Shea, succeeding Michael Cashion, seat 14, term expired, must represent business that operates in San Francisco and be a property owner.

Motion No. M09-193

APPROVED

091320 [Appointment, Eastern Neighborhoods Citizens Advisory Committee - Fernando Marti]

Motion appointing Fernando Marti, term ending October 19, 2011, to the Eastern Neighborhoods Citizens Advisory Committee.
Fernando Marti, succeeding Chris Durazo, seat 5, resigned, must be nominated by District 6 Supervisor and confirmed by the full Board, for the unexpired portion of a two-year term ending October 19, 2011.

Motion No. M09-194

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

091202 [Appropriating $1,881,896 to Fund the Restoration of Positions for Two (2) Months in the Department of Public Health for FY 2009-2010]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance appropriating $1,881,896 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 85.97 full-time equivalent (FTEs) positions and delete 72.79 FTE positions effective November 16, 2009, through January 16, 2010, and release $1,881,896 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.
(Supervisor Chu dissented in committee.)

Ordinance No. 254-09

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

091203 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 85.97 FTEs in various job classes and delete 72.79 FTEs in various job classes for two months (November 16, 2009, through January 16, 2010) in the Department of Public Health. (Fiscal Impact.)

Ordinance No. 253-09

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Land Use and Economic Development Committee

081509 [Summary Vacation of a Portion of Channel Street Between 7th Street and Carolina Street and Exchange of Property]

Sponsor: Maxwell

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc. and Sunset Scavenger Company; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

Ordinance No. 252-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091374 [Accept and Expend Grant - FY 09 Urban Area Security Initiative and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $32,510,600]

Sponsor: Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the Urban Areas Security Initiative ("UASI") Approval Authority, to retroactively accept and expend a UASI grant in the amount of $32,510,600 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect: the addition of one (1) grant-funded position (.50 FTE) in Class 5277 Planner I and one (1) grant-funded position (.50 FTE) in Class 5293 Planner IV, and the deletion of one (1) grant-funded position (.75 FTE) in Class 1426 Senior Clerk Typist, all in the Department of Emergency Management.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091376 [Accept and Expend Grant - FY 09 Regional Catastrophic Preparedness Program and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $4,822,667]

Sponsor: Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program ("RCPGP") Bay Area Site and as fiscal agent for the UASI Approval Authority, to retroactively accept and expend a RCPGP grant in the amount of $4,822,667 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide $167,188 in matching funds; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of two (2) grant-funded positions (.50 FTE total) in Class 5291 Planner III in the Department of Emergency Management.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091267 [Lease of Property at 3801 Third Street]

Resolution approving, retroactively, a lease at Bayview Plaza, 3801 Third Street, at Evans Street, for the Human Services Agency under Administrative Code Section 23.27. (Real Estate Department)

Resolution No. 495-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091285 [Amendment to Agreement with Owens Information Systems to Extend the Term]

Resolution authorizing the Department of Technology to enter into the Eighth Amendment of an agreement with Owens Information Systems to extend the term of the agreement to fifteen years. (Department of Technology)

Resolution No. 482-09

Privilege of the floor was granted to Jon Walton and Walt Calcagno (Department of Technology) and representatives from the Office of the Mayor, all of whom responded to questions raised throughout the discussion.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

Recommendations of the Land Use and Economic Development Committee

090678 [Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]

Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised use districts within the Bayview Hunters Point Plan Area; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091036 [Zoning - Third Street and Le Conte Avenue Affordable Housing Special Use District]

Sponsor: Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.43 to establish the Third Street and Le Conte Avenue Affordable Housing Special Use District for property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith Street; amending Sheet SU10 of the Zoning Map of the City and County of San Francisco, to reflect this new Special Use District, and adopting findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091059 [Correction to the Vacation of Former Trenton Street]

Ordinance ordering the summary vacation of a portion of Trenton Street south of Jackson Street within Assessor's Block No. 0192; making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; establishing conditions to the effectiveness of the vacation; adopting environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Real Estate Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091335 [Establishing Infill Opportunity Zones for Congestion Management Planning]

Sponsors: Mirkarimi; Maxwell

Resolution establishing Infill Opportunity Zones for Congestion Management Planning in the City and County of San Francisco under California Government Code Section 65088.

Resolution No. 494-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090960 [Honoring Small Local Businesses During Small Business Month]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Administrative Code by requiring the Small Business Commission to declare one month out of the year "Small Business Month" and to recognize small local businesses during the Small Business Month.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091137 [Mills Act Contract Procedures]

Sponsor: Alioto-Pier

Ordinance amending Chapter 71 of the San Francisco Administrative Code regarding historical property (Mills Act) contract procedures to reflect amendments made to the San Francisco Charter to create the Historic Preservation Commission, expand the definition of "qualified historical property" to include properties listed on the California Register of Historical Resources, establish certain time lines for review of applications for historical property contracts, require Budget Analyst review of applications for historical property contracts, and making other clarifying amendments; and making findings, including environmental findings.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, on Page 4, Line 9, after "The Planning Department" by inserting ", the Historic Preservation Commission,"; AMENDED, on Page 5, Line 15, after "The Historic Preservation Commission shall" by inserting "have the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors. For this purpose, the Historic Preservation Commission shall"; AMENDED, on Page 5, Line 21, after "proposed preservation restrictions or maintenance requirements" by inserting "to be included in the historical property contract"; AMENDED, on Page 5, Line 22, after "Planning Department shall forward," by replacing "a" with "the"; AMENDED, on Page 6, Line 3, by replacing "approval" with "disapproval."; and AMENDED, on Page 6, Line 3, after "for the purposes of this subsection" by deleting ", and the Planning Department shall forward the application for the historical property contract to the Board of Supervisors for its action; provided, however, that the" and by inserting "and the Planning Department shall notify the property owner in writing of the Historic Preservation Commission's failure to act". The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091152 [Confirming the appointment of Miguel Bustos to the San Francisco Redevelopment Agency]

Sponsor: Mayor

Motion confirming the appointment of Miguel Bustos to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2013.

Motion No. M09-195

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

091361 [Approving the Redevelopment Agency's Lease of Land at 249 Eddy Street, and 161-165 Turk Street to Turk & Eddy Associates, L.P.]

Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

The President inquired as to whether any member of the public wished to address the Board relating to the approval of the Redevelopment Agency's lease of land at 249 Eddy Street, and 161-165 Turk Street, to Turk & Eddy Associates, L.P., for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons referenced in File No. 091360. Olson Lee (Redevelopment Agency) provided an overview of the project and responded to questions raised throughout the discussion. Don Falk spoke in support of this matter. There were no other speakers. The President declared the public hearing closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

091360 [Redevelopment Agency Lease of Land at 249 Eddy Street, and 161-165 Turk Street to Turk & Eddy Associates, L.P.]

Sponsor: Daly

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

Resolution No. 493-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Terry Chan of the Bethel Grace Lutheran Ministries in recognition of their accomplishments and continued community support.

Supervisor Chu introduced, welcomed, and presented Certificates of Honor to Officers Feliks Gasanyan and Maria Donati of the Taraval Police Station in recognition of their fine work in the apprehension of the MUNI stabber and their continued community support.

SPECIAL ORDER 4:00 P.M.

091313 [Appeal of Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 29, 2009, affirming the approval of the Tentative Parcel Map to construct a new 2 unit condominium project located at 1673 through 1675 - 11th Avenue, Lot No. 013 in Assessor's Block No. 1932. (Appellant: Rose Tom Tsai) (Clerk of the Board)
(Filed 11/9/09 - Companion Measure to File Nos. 091314, 091315, 001316) (District 7)

The President inquired as to whether any member of the public wished to address the Board relating to the appeal of Tentative Parcel Map for 1673 through 1675 - 11th Avenue as referenced in File Nos. 091314, 091315, and 091316. David Silverman spoke in support of a proposed continuance. There were no other speakers. The President continued the public hearing open to December 15, 2009.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091314 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 - 11th Avenue, Assessor's Block No. 1932, Lot No. 013. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091315 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 - 11th Avenue, Assessor's Block No. 1932, Lot No. 013. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091316 [Findings Related to the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 - 11th Avenue, Assessor's Block No. 1932, Lot No. 013. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

091345 [Public Hearing - Appeal of Conditional Use Appeal for 1969 California Street]

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 17959 dated October 8, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0639C), under Planning Code Sections 209.9 and 303 to allow the establishment of an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at 1969 California Street, Assessor's Block No. 0649, Lot No. 016. (District 5) (Appellant: Greg Scott on behalf of Pacific Heights Residents Association) (Clerk of the Board)
(Filed 11/9/09 - Companion Measure to File Nos. 091346, 091347, 001348)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance of the appeal of Conditional Use for 1969 California Street as referenced in File Nos. 091346, 091347, and 091348. There were no speakers. The President closed public comment on the proposed continuance and continued the public hearing open to January 5, 2010.

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091346 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion approving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091347 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091348 [Preparation of Findings Related to the Conditional Use Appeal for 1969 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.0639C on property located at 1969 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

091276 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $2,700,314]

Sponsor: Mayor

Ordinance authorizing the Department of Children, Youth & Their Families (DCYF) to accept and expend grant funding in the amount of $2,700,314 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs and amending Annual Salary Ordinance (183-09) and to create grant-funded position at DCYF.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091315 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 - 11th Avenue, Assessor's Block No. 1932, Lot No. 013. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091316 [Findings Related to the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 - 11th Avenue, Assessor's Block No. 1932, Lot No. 013. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

091345 [Public Hearing - Appeal of Conditional Use Appeal for 1969 California Street]

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 17959 dated October 8, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0639C), under Planning Code Sections 209.9 and 303 to allow the establishment of an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at 1969 California Street, Assessor's Block No. 0649, Lot No. 016. (District 5) (Appellant: Greg Scott on behalf of Pacific Heights Residents Association) (Clerk of the Board)
(Filed 11/9/09 - Companion Measure to File Nos. 091346, 091347, 001348)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance of the appeal of Conditional Use for 1969 California Street as referenced in File Nos. 091346, 091347, and 091348. There were no speakers. The President closed public comment on the proposed continuance and continued the public hearing open to January 5, 2010.

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091346 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion approving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091347 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091348 [Preparation of Findings Related to the Conditional Use Appeal for 1969 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.0639C on property located at 1969 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

091276 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $2,700,314]

Sponsor: Mayor

Ordinance authorizing the Department of Children, Youth & Their Families (DCYF) to accept and expend grant funding in the amount of $2,700,314 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs and amending Annual Salary Ordinance (183-09) and to create grant-funded position at DCYF.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]

Sponsors: Avalos; Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Walter Paulson; shared in song certain concerns with the Board.
Andre Spearman (SEIU); expressed concerns relating to FY 2009/2010 budget shortfall.
Peter Warfield; expressed concerns relating to the SF Public Library.
Julian Lagos; expressed concerns relating to closure of Channel 29 television station.
Steve Zelzer; expressed concerns relating to closure of Channel 29 television station.
Pam Sower; expressed concerns relating to closure of Channel 29 television station.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Otto Dufty; expressed concerns relating to upcoming campaign.
Richard Robinson; expressed various concerns.
Marilyn Amini; expressed concerns relating to Board rules.
Male Speaker; expressed concerns relating to the legislative process.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091355 [Accept and Expend Grant - eLearning Modules to Support HIV Research - $35,125]

Sponsors: Dufty; Campos

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $35,125 from the Fred Hutchinson Cancer Research Center to assist with a project entitled "eLearning Modules to Support HIV Research;" for the period of June 1, 2009, through May 31, 2010.

Resolution No. 492-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091356 [Authorizing the Director of Public Works or Designee to Request a Cooperative Work Agreement from the California Department of Finance]

Sponsor: Mayor

Resolution authorizing the Director of Public Works or his or her designee to request a Cooperative Work Agreement from the California Department of Finance to extend the expiration date for a Federal transportation grant expiring on June 30, 2010.

Resolution No. 480-09

ADOPTED

091357 [Accept and Expend Grant - HPV Epidemiology and Responses To Screening - $12,760]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $12,760 from the University of California San Francisco (UCSF), to assist with a project entitled "HPV Epidemiology and Response to Screening;" for the period of August 11, 2009, through July 31, 2010.

Resolution No. 491-09

ADOPTED

091358 [Urging the San Francisco State Lobbyists to Facilitate the Implementation of AB 1383]

Sponsors: Daly; Campos

Resolution urging City of San Francisco Lobbyists to facilitate the implementation of AB 1383, and establishing a general framework of the quality assurance fee and increased Medi-Cal payments to hospitals.

Resolution No. 486-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091362 [Commemorate the 40th Anniversary of the Occupation of Alcatraz Island]

Sponsors: Mar; Campos

Resolution commemorating the 40th Anniversary of the Occupation of Alcatraz Island from November 20, 1969, to June 11, 1971.

Resolution No. 490-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091363 [California Master Plan for Education]

Sponsors: Mirkarimi; Campos

Resolution Calling on the State, the UC Regents, the CSU Board of Trustees, and the Board of Governors of the California Community Colleges to recommit to the California Master Plan for Higher Education.

Resolution No. 489-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091364 [Urging the United States to Enter into a Strong International Treaty to Address Climate Change]

Sponsors: Mirkarimi; Campos

Resolution urging the President of the United States, at the UN Climate Change Conference scheduled for December 2009 in Copenhagen, to negotiate and sign, the Senate to ratify and the Congress of the United States to support legislatively a strong treaty to address climate change.

Resolution No. 488-09

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091366 [Approval of a 30-Day Extension for Planning Commission Review of the Telegraph Hill-North Beach Residential Special Use District]

Sponsor: Chiu

Resolution extending, by 30-days, the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would require a Conditional Use Authorization for the installation of a garage opening in existing buildings, reduce the parking requirements in certain Northeast Neighborhoods, and creating the Telegraph Hill-North Beach Residential Special Use District, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and environmental findings.

Resolution No. 487-09

ADOPTED

091378 [Declaration of Election Results of November 3, 2009, Municipal Election]

Sponsor: Chiu

Resolution declaring the results of the November 3, 2009, Municipal Election

Resolution No. 484-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 091359 be severed so that it may be considered separately.

091359 [Committee of the Whole – December 8, 2009 - 3:00 p.m. - to Hold a Public Hearing on the Approval of a Redevelopment Ground Lease of Land at 249 Eddy Street, and 161-165 Turk Street]

Sponsor: Daly

Motion scheduling the Board to sit as a Committee of the Whole on December 8, 2009, to hold a public hearing on the approval of Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

Motion No. M09-196

The President inquired as to whether any member of the public wished to address the Board relating to sitting as a Committee of the Whole for the approval of a Redevelopment Ground Lease of land at 249 Eddy Street, and 161-165 Turk Street as referenced in File No. 091359. There were no speakers. The President closed public comment.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi requested that File No. 091365 be severed so that it may be considered separately.

091365 [Supporting the Recommendations Contained in the Report of the Peak Oil Preparedness Task Force]

Sponsors: Mirkarimi; Mar

Resolution in support of the measures and actions to mitigate the effects of declining fossil fuel supplies recommended in the report of the San Francisco Peak Oil Preparedness Task Force.

REFERRED to the City Operations and Neighborhood Services Committee

Supervisor Avalos requested that File Nos. 091341 and 091367 be severed so that they may be considered separately.

091341 **[2010 Board of Supervisors Regular Meeting Schedule]**

Motion approving the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, May 25, July 6, September 7, October 12, and November 30, and by further canceling all Board and Committee meetings during the summer and winter breaks from August 18 through September 7, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091367 **[Professional Services Agreement for Budget and Legislative Analyst Service with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, a Joint Venture]**

Motion authorizing the Clerk of the Board of Supervisors to enter into a Professional Services Agreement for Budget and Legislative Analyst Service with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, a Joint Venture and approving said agreement, pursuant to Charter Section 2.117. (Clerk of the Board)

Motion No. M09-197

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Noes: 1 - Maxwell

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

091402 **[Medical Cannabis Task Force]**

Sponsors: Campos; Mirkarimi, Avalos and Daly

Ordinance amending the San Francisco Administrative Code by adding Sections 5.2-1 through 5.2-6, to establish a Medical Cannabis Task Force to advise the Board of Supervisors on medical cannabis issues.

12/08/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/7/2010.

091403 [Inclusion of Textiles in Sweatfree Contracting Ordinance]

Sponsor: Campos

Ordinance adding Section 12U.5.1 of the Administrative Code to provide that contracts for textiles are within the coverage of the Sweatfree Contracting Ordinance.

12/08/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/7/2010.

091404 [Procedures to Attain Local Business Enterprise Subcontracting Goals for Design-Build and Integrated Project Delivery Contracts]

Sponsor: Chiu

Ordinance amending Administrative Code Chapter 14B, Local Business Enterprise and Non-Discrimination In Contracting Ordinance, to add a new Section 14B.19 establishing uniform procedures to attain project LBE goals for design-build and integrated project delivery contracts.

12/08/09; ASSIGNED to Land Use and Economic Development Committee.

091405 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]

Sponsors: Chiu; Chu, Maxwell and Mayor

Ordinance amending the San Francisco Administrative Code by amending Sections 14B.2, 14B.3, 14B.7, 14B.8, 14B.13 to (1) each fiscal year, require departments to set aside not less than 50% of public works/construction contracts worth $400,000 or less and not less than 50% of other contracts worth $100,000 or less for the Micro-Local Business Enterprise Set Aside Program, (2) permit departments to designate Job Order Contracts, without limitation as to dollar value, as set aside for the Micro-Local Business Enterprise Set Aside Program in order to satisfy the department's 50% requirement, (3) require departments to report quarterly during the year 2010 and thereafter yearly to the Board of Supervisors on the contracts set aside for the Micro-Local Business Enterprise Set Aside Program, and to cooperate with HRC's requests for information to fulfill its reporting requirements, and (4) require Micro - LBEs that subcontract any portion of a set-aside contract to perform at least 25% of the contract work, (5) create a SBA-LBE category, in addition to the Small and Micro-LBE categories, that gives contractors with income set with reference to Small Business Administration limits a bid preference of 2% on contracts between $5,000,000 and $20,000,000, and (6) contractors who achieve total LBE participation in excess of 35% of their established LBE subcontracting and subconsultanting goals are to be excepted from satisfying good faith outreach requirements.

12/08/09; ASSIGNED to Land Use and Economic Development Committee.

091406 [Street Encroachment at 1 Webster Street]

Sponsor: Dufty

Ordinance granting revocable permission to Cross Cultural Family Center, Inc. to occupy a portion of the public right-of-way to construct and maintain a fenced outdoor play space with a trellised entry, a seating area and stroller parking on the west side of Webster Street between Duboce Avenue and Hermann Street, for a new child development center at 1 Webster Street (Block No. 0874, Lot No. 014); waiving the annual right-of-way occupancy assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

12/08/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/7/2010.

091407 [Recreation and Park Department - Naming Parcel 4 as Sutro Dunes]
Sponsors: Mar; Maxwell
Ordinance amending the San Francisco Park Code by renaming Article 1 as "Title and General Provisions" and adding Section 1.05 to name the parcel located at the junction of the Great Highway and Balboa Street "Sutro Dunes".

12/08/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/7/2010.

091409 [Accept and Expend Grant - Sidney E. Frank Foundation and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $250,000]
Sponsor: Mayor
Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $250,000 from the Sidney E. Frank Foundation to initiate the San Francisco Zero Energy Homes (SFZEH) Program which will create the tools necessary for San Franciscans to radically reduce the amount of energy they use and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

12/08/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091420 [Accept and Expend Grant - Living Cities Initiative and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $175,000]
Sponsor: Mayor
Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $175,000 from the Living Cities Initiative to support the City's Zero Energy Home Program by accelerating the use of home performance testing of existing buildings throughout the City and thus drive the market, which will create a range of employment and career growth options and amend Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

12/08/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091421 [Appropriating $847,222 of Various Fee Revenues for Salaries, Fringe Benefits, and Services of Other Departments in the Department of Building Inspection for FY 2009-2010]
Sponsor: Mayor
Ordinance appropriating $847,222 of Intergovernmental Memorandum of Understanding and Vacant Building Fee revenues for salaries and fringe benefits for limited duration positions to fund fee collection costs, and to fund a projected work order shortfall with the City Attorney, for the Department of Building Inspection for FY 2009-2010.
(Fiscal Impact.)

12/08/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091422 [Public Employment - Department of Building Inspection]
Sponsor: Mayor
Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of eleven limited duration positions (5.5 FTE) in the Department of Building Inspection.
(Fiscal Impact.)

12/08/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091163 [Economic Stimulus Measures for Capital Project Acceleration]

Sponsors: Chu; Chiu, Maxwell and Mayor

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.1, to add a definition for a department head and designee and to increase the threshold amount for sealed competitively bid construction contracts from $100,000 to $400,000, with a future increase by the Controller in 2015; amending Section 6.20, to update and conform references to Administrative Code Chapter 14B; amending Section 6.21, to update and conform references to Administrative Code Chapter 14B; amending Section 6.22(A), to clarify and conform to state law the minimum contract amount requiring performance and payment bonds to $25,000; amending Section 6.22(J), to allow for early release of retention to subcontractors certified by the Human Rights Commission as Local Business Enterprises or subcontractors on multi-year construction projects; amending Section 6.40, to increase the minimum competitive amount for the procurement of professional services for public work projects from $25,000 to $100,000, with a future increase in 2015 by the Controller; amending Section 6.60 to update and conform references to the Municipal Transportation Agency; amending Section 6.62, Job Order Contracts, to amend the Local Business Enterprise goal enforcement procedure and allow for micro-LBE set-asides, to increase the maximum contract amount from $3,000,000 to $5,000,000 and the maximum contract time to five years, to increase the maximum service order amount from $200,000 or $400,000 (depending on the program) to $400,000 for all purposes, and adding new subcontractor listing and subcontractor substitution requirements.

10/06/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2009.

10/29/09; TRANSFERRED to Land Use and Economic Development Committee.

12/01/09; REFERRED TO DEPARTMENT.

12/08/09; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions

091401 [Accept and Expend Grant - California Secretary of State VOTE Grant Program - $249,998.41]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Elections to accept and expend grant funds in an amount not to exceed $249,998.41 for improving accessibility to and participation in the election process for individuals with disabilities in accordance with the California Secretary of State's VOTE Grant Program.

12/08/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091408 [Approving Settlement of Unlitigated Claim Against the City by Comcast]

Sponsor: Mirkarimi

Resolution approving settlement of an unlitigated claim made by Comcast Cable Communications, LLC against the City and County of San Francisco.

12/08/09; RECEIVED AND ASSIGNED to Rules Committee.

091410 [Accept and Expend Grant – High Risk Program - $37,787]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Food and Agriculture (CDFA) in the amount of $37,787 to prevent infestation of pests from incoming high-risk shipments of plant material from Hawaii, Florida and other southern states; for the period of July 1, 2009, through June 30, 2010.

12/08/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091411 [Seeking Reimbursement from the State of California for Funds Expended by the County]

Sponsors: Mar; Campos, Mirkarimi and Avalos

Resolution urging state and local officials to obtain reimbursement for funds expended by the City and County of San Francisco to provide legal representation in homicide cases instituted by the Attorney General.

12/08/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091412 [Accept and Expend Grant - San Francisco's Clean Cities Coalition Program - $60,000]

Sponsor: Mar

Resolution authorizing the Department of the Environment (SF Environment) to accept and expend funds from the United States Department of Energy's Office of Energy Efficiency and Renewable Energy Vehicle Technologies Program (being passed through Research and Development Solutions, LLC) in the amount of $60,000 to support San Francisco's Clean Cities Coalition Program and its work related to reducing petroleum use and improving air quality in the City and County of San Francisco.

12/08/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091413 [Support for the First and Mission Site as the Preferred, Fully Environmentally Cleared Site for the California High Speed Rail Station]

Sponsor: Daly

Resolution affirming the Board of Supervisors support for the First and Mission site as the preferred, fully environmentally cleared and under construction location for the California High Speed Rail Northern Terminus and encouraging the California High Speed Rail Authority to do likewise.

12/08/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091414 [Accept and Expend Grant – Probation Response Unit Pilot Project – $100,000]

Sponsor: Maxwell

Resolution authorizing the Juvenile Probation Department (JPD) to retroactively accept and expend a grant in the amount of $100,000 from the Federal Formula Grants Program for the Disproportionate Minority Contact (DMC) Support Project, administered by the Corrections Standards Authority (CSA), for calendar year 2010, to be used for design and implementation of a Probation Response Unit (PRU) pilot project.

12/08/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091415 [Urging Continued Funding for ARRA SBA 7 (a) and 504 Loan Provisions]

Sponsor: Chiu

Resolution Urging Continued Funding for ARRA SBA 7 (a) and 504 Loan Provisions as Part of the American Recovery and Reinvestment Act of 2009.

12/08/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091416 [Accept and Expend Grant - Implementing Ten Sobriety Checkpoints - $91,608]

Sponsor: Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $91,608 from the Federal Department of Transportation through Office of Traffic Safety for the purpose of implementing ten Sobriety Checkpoints in the City and County of San Francisco.

12/08/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091417 [Urging the State Legislature to Amend the Costa Hawkins Act to Exempt Local Inclusionary Housing Ordinances]

Sponsor: Chiu

Resolution urging the California Legislature to amend the Costa Hawkins Act to exempt local inclusionary housing ordinances.

12/08/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091423 [Accept and Expend Grant - Public Health Emergency Response - $2,151,772]

Sponsors: Mayor; Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $2,151,772 from the California Department of Public Health (CDPH), to assist with a project entitled “Public Health Emergency Response;” for the period of July 31, 2009, through July 30, 2010.

12/08/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091425 [Commemorating the Bicentennial Year of the Latino Press in the United States]

Sponsor: Campos

Resolution commemorating the Bicentennial Year of the Latino Press in the United States, and acknowledging the rich contributions of Latinos in the history of American journalism.

12/08/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091365 [Supporting the Recommendations Contained in the Report of the Peak Oil Preparedness Task Force]

Sponsors: Mirkarimi; Mar

Resolution in support of the measures and actions to mitigate the effects of declining fossil fuel supplies recommended in the report of the San Francisco Peak Oil Preparedness Task Force.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/08/09; REFERRED to City Operations and Neighborhood Services Committee.

Requests for Hearing

091394 [Mayor's Proposed Mid-Year Budget Reductions]

Sponsor: Avalos

Hearing on the Mayor's proposed mid-year budget reductions.

12/08/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091395 [City IT Projects Status]

Sponsors: Chu; Avalos, Mirkarimi, Maxwell and Chiu

Hearing request to receive update from the Department of Technology on the status of large IT projects, including: JUSTIS, eMerge, and systems related to permits and purchasing and to also include explanations for any project delays or anticipated delays.

12/08/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091396 [San Francisco Municipal Transportation Authority Proposed Layoffs and the Impacts on Public Health and Safety Concerns]

Sponsor: Daly

Hearing request to address San Francisco Municipal Transportation Authority proposed layoffs and the impacts on public health and safety concerns.

12/08/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091397 [Academy of Art University Housing Practices]

Sponsor: Mar

Hearing on the housing practices of the Academy of Art University.

12/08/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091398 [San Francisco Public Utilities Commission - Feasibility Analysis of Local Cogeneration Projects and Update on the Electricity Resource Plan]

Sponsor: Maxwell

Hearing on the San Francisco Public Utilities Commission's analysis of the feasibility and environmental benefits of possible local cogeneration projects, and an update on the Electricity Resource Plan including timing and the role of cogeneration in the report.

12/08/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091399 [Crime Laboratory Backlog]

Sponsor: Mirkarimi

Hearing to review and receive an update on and how to address the current case backlog at the San Francisco Crime laboratory.

12/08/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091419 [Committee of the Whole - Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]

Sponsors: Alioto-Pier; Chu and Maxwell

Hearing of persons interested in or objecting to proposed resolution on file with the Clerk of the Board of Supervisors in File No. 091342 opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

12/08/09; ASSIGNED to Board of Supervisors.

Motion

091418 [Committee of the Whole, December 15, 2009, at 3:00 P.M., Opposing Stupak-Ellsworth-Pitts]

Sponsors: Alioto-Pier, Chu and Maxwell

Motion scheduling a Committee of the Whole at 3:00 P.M. on Tuesday, December 15, 2009, to consider opposing the Stupak-Ellsworth-Pitts Amendment to restrict reproductive choice.

12/08/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

091381 [Settlement of Lawsuit - Marco Maestrini - $40,000]

Ordinance authorizing settlement of the lawsuit filed by Marco Maestrini against the City and County of San Francisco for $40,000; the lawsuit was filed on June 6, 2007, in the United States District Court for the Northern District of California, Case No. C07-02941 PJH; entitled Marco Maestrini, et al., v. City and County of San Francisco, et al. (City Attorney)

11/18/09; RECEIVED AND ASSIGNED to Rules Committee.

091382 [Settlement of Lawsuit - Ben H. Lyon - $47,500]

Ordinance authorizing settlement of the lawsuit filed by Ben H. Lyon against the City and County of San Francisco for $47,500; the lawsuit was filed on May 9, 2007, in San Francisco Superior Court, Case No. 463-228; entitled Ben H. Lyon, et al. v. City and County of San Francisco, et al. (City Attorney)

11/24/09; RECEIVED AND ASSIGNED to Rules Committee.

091383 [Settlement of Lawsuit - Glynis Senegal and Joseph Senegal - $158,000]

Ordinance authorizing settlement of the lawsuit filed by Glynis Senegal and Joseph Senegal against the City and County of San Francisco for $158,000; the lawsuit was filed on May 5, 2006, in San Francisco Superior Court, Case No. 451-969; entitled Glynis Senegal and Joseph Senegal v. City and County of San Francisco, et al. (City Attorney)

11/24/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091384 [Settlement of Unlitigated Claim - David Cleary - $225,000]

Resolution approving the settlement of the unlitigated claim filed by David Cleary against the City and County of San Francisco for $225,000; claim was filed on May 22, 2009. (City Attorney)

11/24/09; RECEIVED AND ASSIGNED to Rules Committee.

091385 [Approving the Extension of the Existing Three-Year Plan for State-Funded Child Abuse Prevention Programs]

Sponsor: Mirkarimi

Resolution approving the extension of City and County of San Francisco's Three-Year County Plan for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

11/30/09; RECEIVED AND ASSIGNED to Public Safety Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Controller
To: City Attorney
Requesting/Inquiring: Requesting that the Controller and City Attorney explore the extension of gross receipts taxes to the Presidio and other federal enclaves within San Francisco as part of a shift to a gross receipts tax business tax structure in the City, including an estimate of revenues that would be generated for the City as a result of such an extension.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Can
Northeast corner Scott & Grove
Northwest corner Eddy & Scott

Mailboxes
On Geary between Fillmore & Steiner, south side of street
Northeast corner Fillmore & Waller
Northeast corner Hayes & Grove
Southeast corner Masonic & Fulton
Southeast corner Buena Vista East & Haight
Southeast corner Buena Vista West & Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

1967 Oak
587 Haight
501 Haight
533 Haight
156 Stenier (on the Waller Street side)
600 Buchanan

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles
Northwest corner Post & Pierce
Southeast corner Golden Gate & Scott
In front of 367 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes and sidewalk at the following locations: Intersection of Webster & Grove, North side of street.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore & Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Northwest corner of Hayes & Fillmore
Southeast corner of Fillmore & Haight

San Francisco Chronicle
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic

Examiner
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore

SF Daily
Northwest corner of Hayes & Gough

City Star
Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly
Southeast corner of Masonic & Haight
Southeast corner of Haight & Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes
Northeast corner of Post & Broderick
Northeast corner of Ivy & Buchanan
Northwest corner of Fillmore & Hermann
Northeast corner of Linden & Buchanan
Southeast corner of Golden Gate & Scott

Bus Shelter
Southwest corner of Hayes & Fillmore
Southwest corner of Buchanan & Haight
Fillmore & Haight (all 4 bus stops, graffiti & grime)

Emergency Boxes
Northeast corner of Golden Gate & Scott
Northeast corner of O'Farrell & Scott

In Memoriams

Patricia "Patsy" Doyle – Supervisor Elsbernd
Shirley Rubin – Supervisor Dufty
Nancy Cori – Supervisors Dufty and Campos
Ellen O'Leary – Supervisors Dufty and Campos
Father Joe Healy – Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:23 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 5, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

JAN 1 4 2010

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PUBLIC LIBRARY

Tuesday, December 15, 2009 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee

Volume 104 Number 43

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President Chiu inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091374 [Accept and Expend Grant - FY 09 Urban Area Security Initiative and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $32,510,600]

Sponsor: Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the Urban Areas Security Initiative ("UASI") Approval Authority, to retroactively accept and expend a UASI grant in the amount of $32,510,600 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect: the addition of one (1) grant-funded position (.50 FTE) in Class 5277 Planner I and one (1) grant-funded position (.50 FTE) in Class 5293 Planner IV, and the deletion of one (1) grant-funded position (.75 FTE) in Class 1426 Senior Clerk Typist, all in the Department of Emergency Management.

Ordinance No. 259-09

FINALLY PASSED

091376 [Accept and Expend Grant - FY 09 Regional Catastrophic Preparedness Program and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $4,822,667]

Sponsor: Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program ("RCPGP") Bay Area Site and as fiscal agent for the UASI Approval Authority, to retroactively accept and expend a RCPGP grant in the amount of $4,822,667 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide $167,188 in matching funds; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of two (2) grant-funded positions (.50 FTE total) in Class 5291 Planner III in the Department of Emergency Management.

Ordinance No. 260-09

FINALLY PASSED

091324 [Airport Concession Lease]

Resolution approving the Pay Phone Lease between Pelican Communications, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Resolution No. 500-09

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090678 [Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]

Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised use districts within the Bayview Hunters Point Plan Area; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

Ordinance No. 261-09

FINALLY PASSED

091036 [Zoning - Third Street and Le Conte Avenue Affordable Housing Special Use District]

Sponsor: Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.43 to establish the Third Street and Le Conte Avenue Affordable Housing Special Use District for property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith Street; amending Sheet SU10 of the Zoning Map of the City and County of San Francisco, to reflect this new Special Use District, and adopting findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Ordinance No. 262-09

FINALLY PASSED

091059 [Correction to the Vacation of Former Trenton Street]

Ordinance ordering the summary vacation of a portion of Trenton Street south of Jackson Street within Assessor's Block No. 0192; making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; establishing conditions to the effectiveness of the vacation; adopting environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Real Estate Department)

Ordinance No. 263-09

FINALLY PASSED

Recommendations of the Public Safety Committee

091276 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $2,700,314]

Sponsor: Mayor

Ordinance authorizing the Department of Children, Youth & Their Families (DCYF) to accept and expend grant funding in the amount of $2,700,314 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs and amending Annual Salary Ordinance (183-09) and to create grant-funded position at DCYF.

Ordinance No. 264-09

FINALLY PASSED

091298 [Accept and Expend Grant - Mortgage and Investment Fraud Project - $1,066,026]

Sponsors: Chiu; Chu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend grant funds from the American Recovery and Reinvestment Act in the amount of $1,066,026 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "Mortgage and Investment Fraud Prosecution and Education Project" for the period from August 1, 2009, through July 31, 2011.

Resolution No. 501-09

Supervisor Chu requested to be added as a co-sponsor.

ADOPTED

091302 [Accept and Expend Grant - Police Department Emergency Operations Center - $1,000,000]

Sponsor: Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend an earmark grant in the amount of $1,000,000 from the California Emergency Management Agency through the Federal Emergency Management Agency for the purchase of equipment and construction of the San Francisco Police Department Emergency Operations Center.

Resolution No. 502-09

ADOPTED

091303 [Accept and Expend Grant - California Multi-Jurisdictional Methamphetamine Enforcement Team Program - $346,785]

Sponsor: Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $346,785 from the Governor's Office of Emergency Services for a project entitled "California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET)" Program.

Resolution No. 503-09

ADOPTED

Recommendations of the Rules Committee

090960 [Honoring Small Local Businesses During Small Business Month]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Administrative Code by requiring the Small Business Commission to declare one month out of the year "Small Business Month" and to recognize small local businesses during the Small Business Month.

Ordinance No. 265-09

FINALLY PASSED

091264 [Settlement of Lawsuits - Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox - $217,000]

Ordinance authorizing settlement of two lawsuits, which were filed by Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox against the City and County of San Francisco and its employees for a total amount of $217,000; the first lawsuit was filed on January 14, 2005, in the United States District Court for the Northern District of California, Case No. C05-0280 VRW/WAF, entitled Earnest Henderson, et al., v. City and County of San Francisco, et al.; the second lawsuit was filed on October 18, 2005, in the United States District Court for the Northern District of California, Case No. C05-4220 VRW; entitled Mack Woodfox v. City and County of San Francisco, et al.; the above total settlement amount also includes all claims for costs and attorneys' fees. (City Attorney)

Ordinance No. 266-09

FINALLY PASSED

091265 [Settlement of Lawsuits - Joanne Lozenski, Juanita Stockwell, and Susan Rolovich - $95,000]

Ordinance authorizing settlement of the lawsuit filed by Joanne Lozenski, Juanita Stockwell, and Susan Rolovich against the City and County of San Francisco, Alex Fagan, and Rod Nakanishi for $95,000; the lawsuit was filed on December 14, 2004, in San Francisco Superior Court, Case No. 04-436254; entitled Lozenski, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 267-09

FINALLY PASSED

091289 [Settlement of Lawsuits - David Spears and Sabrina Wigfall - $97,500]

Ordinance authorizing settlement of the lawsuits filed by David Spears and Sabrina Wigfall against the City and County of San Francisco and Kyle Adams against the City and County of San Francisco for $97,500; the lawsuits were filed on February 6, 2004, and August 1, 2008, in the United States District Court for the Northern District of California, Case Nos. 06-cv-04968 VRW and 08-vc-03696 PJH; entitled David Spears and Sabrina Wigfall v. City and County of San Francisco, et al. and Kyle Adams v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 268-09

FINALLY PASSED

091290 [Settlement of Lawsuit - Lisa Anne Haller - $230,000]

Ordinance authorizing settlement of the lawsuit filed by Lisa Anne Haller against the City and County of San Francisco for $230,000; the lawsuit was filed on March 20, 2007, in San Francisco Superior Court, Case No. 461-498; entitled Lisa Anne Haller, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 269-09

FINALLY PASSED

091291 [Settlement of Lawsuit - City and County of San Francisco - $1,260,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the Design Partnership and Del Campo and Maru, Joint Association of Architects, for (a) $1,260,000 payable to the City and County of San Francisco and (b) mutual releases; the lawsuit was filed on March 20, 2009, in San Francisco Superior Court, Case No. 09-486423; entitled City and County of San Francisco v. The Design Partnership and Del Campo and Maru, Joint Association of Architects. (City Attorney)

Ordinance No. 270-09

FINALLY PASSED

091352 [Extending the Term of Service for the Power Plant Task Force]

Sponsor: Maxwell

Resolution to extend the expiration date of the Power Plant Task Force from December 31, 2009, to December 31, 2010.

Resolution No. 504-09

ADOPTED

091351 [Appointments, Workforce Investment Community Advisory Committee - Corrin Buchanan and Cameron McHenry]

Motion appointing Corrin Buchanan and Cameron McHenry, terms to be determined, to the Workforce Investment Community Advisory Committee. (Rules Committee)
Corrin Buchanan, seat 1, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.
Cameron McHenry, seat 2, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.

Motion No. M09-198

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

091353 [Appropriating $6,071,836 to Fund the Restoration of Positions in the Department of Public Health for FY 2009-2010]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance appropriating $6,071,836 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 236.42 full-time equivalent (FTEs) positions and delete 200.16 FTE positions effective January 17, 2010, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release $6,071,836 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.

PASSED ON FIRST READING. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

091354 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be TABLED. The motion FAILED by the following vote:

Ayes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell
Noes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

Recommendation of the Land Use and Economic Development Committee

090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]

Sponsors: Avalos; Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendation of the Rules Committee

091137 [Mills Act Contract Procedures]

Sponsor: Alioto-Pier

Ordinance amending Chapter 71 of the San Francisco Administrative Code regarding historical property (Mills Act) contract procedures to reflect amendments made to the San Francisco Charter to create the Historic Preservation Commission, expand the definition of "qualified historical property" to include properties listed on the California Register of Historical Resources, establish certain time lines for review of applications for historical property contracts, require Budget Analyst review of applications for historical property contracts, and making other clarifying amendments; and making findings, including environmental findings.

Ordinance No. 271-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091336 [Public Employment - Amendment to the Annual Salary Ordinance FY 2009-2010 for the Department of the Environment]

Sponsor: Mayor

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of one position (.50 FTE) Class 5638 Environmental Assistant in the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091368 [Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $7,739,300]

Sponsor: Mayor

Ordinance authorizing the San Francisco Public Utilities Commission to accept and expend a grant in the amount of $7,739,300 from the U.S. Department of Energy through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) under the Energy Independence and Security Act of 2007 (Pub. L. 110-140; 42 U.S.C. 17151 et seq.) for the Municipal Building Energy Efficiency Retrofit, Community Resilience, and Heating Systems Programs, and amending Ordinance Number 183-09 to reflect the addition of one and seven-tenths (1.7) grant-funded positions at the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091326 [CEQA Findings for San Francisco Public Utilities Commission New Irvington Tunnel Project in Alameda County and Fremont]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the New Irvington Tunnel Project, CUW 35901; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Resolution No. 505-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091369 [Revenue Contract with PG&E Energy Conservation Programs]

Sponsor: Mayor

Resolution authorizing the Department of the Environment under Charter Section 9.118 to enter into a contract for up to $11,540,000 with Pacific Gas and Electric Company (PG&E), to implement an Energy Use and Demand Reduction through Energy Efficiency Program in the City and County of San Francisco.

Resolution No. 481-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090962 [Zoning - Amending the Citywide Definition of Tobacco Paraphernalia Establishments by Lowering the Threshold for Retail Stores to be Considered Tobacco Paraphernalia Establishments]

Sponsor: Chiu

Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area projected to the floor, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091284 [Mission Bay - Park P21 Improvements]

Ordinance designating a portion of State Trust Parcel 5 East of future Terry A. Francois Boulevard at future Mission Bay Boulevard for public open space and park purposes; naming the new park "Bayfront Park;" accepting and irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No.178,379 and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091286 [Approval of Second Amendment to the Redevelopment Agency's Ground Lease within Mission Bay North and South Redevelopment Plans]

Resolution approving the Second Amendment to the San Francisco Redevelopment Agency's Ground Lease to add certain additional real property within the Mission Bay South Redevelopment Plan Area to the leased premises and to clarify certain maintenance obligations. (Public Works Department)

Resolution No. 506-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091288 [Approval of CEQA Findings for SFPUC Harding Park Recycled Water Project]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation and reporting program and a statement of overriding considerations related to the Harding Park Recycled Water Project, Water System Improvement Program funded Project No. CUW 30204; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Resolution No. 507-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]

Sponsors: Mirkarimi; Campos, Avalos and Daly

Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.
(Supervisor Alioto-Pier dissented in committee.)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

(Supervisor Alioto-Pier dissented in committee.)

Supervisor Mirkarimi, seconded by Supervisor Campos, this Ordinance was RE-REFERRED to the Rules Committee. The motion was approved by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisors Avalos and Mar Excused from Voting

Supervisor Daly, seconded by Supervisor Campos, moved that Supervisors Avalos and Mar be excused from voting on File Nos. 091349 and 091350. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Avalos, Mar

091349 [Appointment to San Francisco LAFCo - Supervisor John Avalos]

Motion appointing Supervisor John Avalos, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

Motion No. M09-200

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Avalos, Mar

091350 [Appointment to San Francisco LAFCo - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, as an alternate member, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

Motion No. M09-199

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Avalos, Mar

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

091419 [Committee of the Whole - Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]

Sponsors: Alioto-Pier; Chu and Maxwell

Hearing of persons interested in or objecting to proposed resolution on file with the Clerk of the Board of Supervisors in File No. 091342 opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

The President inquired as to whether any member of the public wished to address the Board.

Male Speaker, expressed various concerns.
Emily M. Murase, Executive Director, Commission on the Status of Women, expressed concerns with women's health services.
Walter Paulson, expressed his concerns in song.
Jazzie Collins, expressed concerns with women's health services.

The President declared public comment closed and adjourned the Committee of the Whole and reconvened as the Board of Supervisors.

HEARD AT PUBLIC HEARING

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Manuel Sparati in recognition of his accomplishments and continued community support in his effort to promote physical education and succesful life through martial arts training.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Alfredo Pedroza of the Mayor's Office of Neighborhood Services in recognition of his accomplishment and continued community support.

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to the San Francisco Brown Bombers, Midget Football Team in recongnition of their acomplishments and continued community support.

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Alex Randolph in recongnition of his accomplishments and continued community support.

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Cornelius Thorne in recongnition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

091313 [Appeal of Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 29, 2009, affirming the approval of the Tentative Parcel Map to construct a new 2 unit condominium project located at 1673 through 1675 - 11th Avenue, Lot No. 013 in Assessor's Block No. 1932. (Appellant: Rose Tom Tsai) (Clerk of the Board)
(Filed 11/9/09 - Companion Measure to File Nos. 091314, 091315, 001316) (District 7)

The President inquired as to whether any member of the public wished to address the Board.

Steve Williams, representing the appellant, provided an overview of the appeal and further requested the Board to approve the appeal.

Walter Paulson and Rose Tom Tsai (Appellant) spoke in support of the appellant.

Bruce Storrs, Department of Public Works, provided details of the project and responded to questions raised throughout the discussion.

David Silverman, representing the project sponsor, provided a rebuttal and further requested the Board to approve the appeal.

There were no other speakers.

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

091314 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1 and approving the Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 - 11th Avenue, Assessor's Block No. 1932, Lot No. 013. (Clerk of the Board)

Motion No. M09-203

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091315 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 - 11th Avenue, Assessor's Block No. 1932, Lot No. 013. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091316 [Findings Related to the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 - 11th Avenue, Assessor's Block No. 1932, Lot No. 013. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

091309 [Appeal of Determination of Exemption from Environmental Review for 2750 Vallejo Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 6, 2009, Case No. 2006.0339E, that a project located at 2750 Vallejo Street is exempt from environmental review under Categorical Exemption, Class 1 [State CEQA, Guidelines, Section15301(e)(1)]. The proposal would alter the facade and construct rear and side horizontal additions to an existing three-story, single-family residence in an RH-1(D) District and a 40-X Height and Bulk District, in Assessor's Block No. 0954, Lot No. 006. (Appellants: Robert A. Byrum and Dona S. Byrum) (Clerk of the Board)
(Filed 11/6/09; Companion Measures to 091310, 0913911, 091312) (District 2)

The President inquired as to whether any member of the public wished to address the Board.

Robert Brian, representing the appellant, provided an overview of the appeal and further requested the Board to approve the appeal.

Pam Byrant, Peter Warfield, Male Speaker, Walter Paulson, Richard Lagrini, and Mr. Arbeck spoke in support of the appellant.

Jeremy Battis; Shelly Caltagirone, Historic Preservation Planner; and Tina Tam, Preservation Coordinator, from the Planning Department, provided details of the project and responded to questions raised throughout the discussion.

Other Speakers: Elaine Warren, Deputy City Attorney.

Tina Calliano and Jake Turnbull representing the project sponsor provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission.

Gregory Maylin (property owner), Bob Atone, Dan Birch, Female Speaker, David Perry, and T. Steele; spoke in support of the project and in opposition to the appeal.

Robert Brian, representing the appellant, provided a rebuttal and further requested the Board to approve the appeal.

There were no other speakers.

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

091310 [Affirming the Exemption Determination Issued for the 2750 Vallejo Street Project]

Motion affirming the exemption determination by the Planning Department that the 2750 Vallejo Street project is exempt from environmental review. (Clerk of the Board)

Motion No. M09-202

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

091311 [Reversing the Exemption Determination Issued for the 2750 Vallejo Street Project]

Motion reversing the exemption determination by the Planning Department that the 2750 Vallejo Street project is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

091312 [Preparation of Findings Related to the Exemption Determination for the 2750 Vallejo Street Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project at 2750 Vallejo Street is exempt from environmental review. (Clerk of the Board)

Motion No. M09-201

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

COMMITTEE REPORT

091423 [Accept and Expend Grant - Public Health Emergency Response - $2,151,772]

Sponsors: Mayor; Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $2,151,772 from the California Department of Public Health (CDPH), to assist with a project entitled "Public Health Emergency Response;" for the period of July 31, 2009, through July 30, 2010.

Resolution No. 483-09

Supervisor Dufty requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concern with issues relating to the SF Public Library.
Richard McRee; expressed concern with issues relating to his design and patent.
Peter Warfield; expressed concern with issues relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091410 [Accept and Expend Grant – High Risk Program - $37,787]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Food and Agriculture (CDFA) in the amount of $37,787 to prevent infestation of pests from incoming high-risk shipments of plant material from Hawaii, Florida and other southern states; for the period of July 1, 2009, through June 30, 2010.

Resolution No. 508-09

ADOPTED

091411 [Seeking Reimbursement from the State of California for Funds Expended by the County]

Sponsors: Mar; Campos, Mirkarimi and Avalos

Resolution urging state and local officials to obtain reimbursement for funds expended by the City and County of San Francisco to provide legal representation in homicide cases instituted by the Attorney General.

Resolution No. 499-09

Supervisor Avalos requested to be added as a co-sponsor.

ADOPTED

091412 [Accept and Expend Grant - San Francisco's Clean Cities Coalition Program - $60,000]

Sponsor: Mar

Resolution authorizing the Department of the Environment (SF Environment) to accept and expend funds from the United States Department of Energy's Office of Energy Efficiency and Renewable Energy Vehicle Technologies Program (being passed through Research and Development Solutions, LLC) in the amount of $60,000 to support San Francisco's Clean Cities Coalition Program and its work related to reducing petroleum use and improving air quality in the City and County of San Francisco.

Resolution No. 509-09

ADOPTED

091413 [Support for the First and Mission Site as the Preferred, Fully Environmentally Cleared Site for the California High Speed Rail Station]

Sponsor: Daly

Resolution affirming the Board of Supervisors support for the First and Mission site as the preferred, fully environmentally cleared and under construction location for the California High Speed Rail Northern Terminus and encouraging the California High Speed Rail Authority to do likewise.

Resolution No. 510-09

ADOPTED

091414 [Accept and Expend Grant – Probation Response Unit Pilot Project – $100,000]

Sponsor: Maxwell

Resolution authorizing the Juvenile Probation Department (JPD) to retroactively accept and expend a grant in the amount of $100,000 from the Federal Formula Grants Program for the Disproportionate Minority Contact (DMC) Support Project, administered by the Corrections Standards Authority (CSA), for calendar year 2010, to be used for design and implementation of a Probation Response Unit (PRU) pilot project.

Resolution No. 485-09

ADOPTED

091415 [Urging Continued Funding for ARRA SBA 7 (a) and 504 Loan Provisions]

Sponsor: Chiu

Resolution Urging Continued Funding for ARRA SBA 7 (a) and 504 Loan Provisions as Part of the American Recovery and Reinvestment Act of 2009.

Resolution No. 511-09

ADOPTED

091416 [Accept and Expend Grant - Implementing Ten Sobriety Checkpoints - $91,608]

Sponsor: Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $91,608 from the Federal Department of Transportation through Office of Traffic Safety for the purpose of implementing ten Sobriety Checkpoints in the City and County of San Francisco.

Resolution No. 512-09

ADOPTED

091417 [Urging the State Legislature to Amend the Costa Hawkins Act to Exempt Local Inclusionary Housing Ordinances]

Sponsor: Chiu

Resolution urging the California Legislature to amend the Costa Hawkins Act to exempt local inclusionary housing ordinances.

Resolution No. 513-09

ADOPTED

091425 [Commemorating the Bicentennial Year of the Latino Press in the United States]

Sponsor: Campos

Resolution commemorating the Bicentennial Year of the Latino Press in the United States, and acknowledging the rich contributions of Latinos in the history of American journalism.

Resolution No. 514-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 091418 be severed so that it may be considered separately.

091418 [Committee of the Whole, December 15, 2009, at 3:00 P.M., Opposing Stupak-Ellsworth-Pitts]

Sponsors: Alioto-Pier, Chu and Maxwell

Motion scheduling a Committee of the Whole at 3:00 P.M. on Tuesday, December 15, 2009, to consider opposing the Stupak-Ellsworth-Pitts Amendment to restrict reproductive choice.

Motion No. M09-205

The President inquired as to whether any member of the public wished to address the Board relating to the Board sitting as a Committee of the Whole to address opposing the Stupak-Ellsworth-Pitts amendment to restrict reproductive choice referenced in File No. 091419.

Speakers: Male Speaker; Emily M. Murase, Executive Director, Commission on the Status of Women; Walter Paulson; Jazzie Collins.

The President declared public comment closed.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND the Motion. The motion FAILED by the following vote:
Ayes: 3 - Avalos, Daly, Mar
Noes: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

Supervisor Alioto-Pier, seconded by Supervisors Elsbernd and Chu, moved to CALL THE QUESTION AND TERMINATE DEBATE. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Supervisor Avalos requested that File No. 091341 be severed so that it may be considered separately.

091341 [2010 Board of Supervisors Regular Meeting Schedule]

Motion approving the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, May 25, July 6, September 7, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 18 through September 7, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

Supervisor Mar requested to be added as a co-sponsor.

Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion approving the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, May 25, July 6, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 11 through September 3, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

Motion No. M09-204

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Imperative Item - Proclaiming December 19, 2009, International Migrants Day (File No. 091428)

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Mar, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Mar, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091428 [Proclaiming December 18, 2009, International Migrants Day]
Sponsors: Avalos; Campos and Mar
Resolution proclaiming December 18, 2009, International Migrants Day.

Resolution No. 515-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Imperative Item - Opposing the Stupak-Ellsworth-Pitts Amendment to restrict reproductive choice (File No. 091462)

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

Supervisor Daly moved to Adjourn the meeting. The motion FAILED due to lack of a second.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 8 – Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi
Absent: 1 - Dufty

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Absent: 1 - Dufty

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Absent: 1 - Dufty

091462 [Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]

Sponsor: Alioto-Pier

Resolution opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

(A unanimous vote is required for the approval of a resolution on the Imperative Agenda.)

ADOPTION failed by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Absent: 1 - Dufty

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

091435 [Child Care Planning and Advisory Council Membership]

Sponsor: Chiu

Ordinance amending San Francisco Administrative Code by amending section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council ("Council") from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council members.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

091436 [Accept and Expend Grant - U.S. Dept. of Justice/Office of Violence Against Women and Amendment to the Annual Salary Ordinance for FY 2009-2010 - $698,970]

Sponsor: Chiu

Ordinance authorizing the San Francisco District Attorney's Office to retroactively accept and expend a grant in the amount of $698,970 from the U.S. Department of Justice/Office of Violence Against Women - Grants to Encourage Arrest Policies and Enforcement of Protection Orders for the purpose of improving the criminal justice systems' response to limited English proficiency victims of domestic violence, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one (1) grant-funded position (.50 FTE) in Class 8129 Victim Witness Investigator at District Attorney's Office.

12/15/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091438 [De-Appropriating Police and Fire Department Salaries and Fringe Benefits for FY 2009-2010 - $20,705,195]

Sponsor: Daly

Ordinance de-appropriating $20,705,195 including $13,870,901 of salaries and fringe benefits representing 102.64 FTEs, or 366.98 annualized positions, of sworn officers in the Police Department, and $6,834,294 of salaries and fringe benefits representing 49.70 FTEs, or 177.69 annualized positions, of firefighters in the Fire Department, effective March 20, 2009, for FY 2009-2010.
(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091441 [Recreation and Park Department—Animal Protections; Increasing Penalties for Park Code Violations]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code by amending Section 4.01 to prohibit entrance into animal habitats or enclosures at the San Francisco Zoo and the bison paddock; amending Section 5.07 to prohibit feeding non-domesticated animals in parks; amending Section 5.08 to prohibit taunting or endangering animals at the Zoo or in the bison paddock; and amending Section 10.01 to increase the penalties for violation of the Park Code up to $500 maximum for an infraction and up to $1000 for a misdemeanor.

12/15/09; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 1/14/2010.

091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]

Sponsor: Mar

Ordinance amending Articles 19F and 19G of the San Francisco Health Code by amending Sections 1009.20, 1009.21, 1009.22, 1009.23, 1009.25, and 1009.81, adding Sections 1009.26, 1009.27, 1009.29, 1009.30, 1009.31, and 1009.32, and repealing Section 1009.24, to update findings and prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated, 2) common areas of multi-unit housing complexes, 3) tourist lodging facilities, 4) tobacco shops, 5) charity bingo games, 6) unenclosed dining areas of restaurants, 7) service waiting areas, 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley, 9) farmers markets, and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; deleting criminal penalties; adding provisions for cost recovery and liens; and making conforming changes in the Health Code.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/14/2010.

091444 [Creating an Energy Efficiency Steering Committee]

Sponsor: Mar

Ordinance amending the San Francisco Administrative Code by adding Article II to Chapter 5, Sections 5.2-1 through 5.2-8, to: create an Energy Efficiency Steering Committee to advise the Board of Supervisors on planning and decision-making regarding energy efficiency projects; provide for the Committee's membership, organization, and duties; and set a sunset date for the Committee.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

091445 [Accept and Expend Grant - FY 2009 Second Chance Youth Offender Reentry Initiative and Amendment to the Annual Salary Ordinance, FY 2009 2010 - $660,615]

Sponsor: Maxwell

Ordinance authorizing the Juvenile Probation Department ("JPD"), on behalf of the City and County of San Francisco, to retroactively accept and expend a grant in the amount of $660,615 from the Office of Justice Programs ("OJP") for the United States Department of Justice for funding under the FY 2009 Second Chance Youth Offender Reentry Initiative ("Second Chance Grant Award"); and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.60 FTE) at the San Francisco Public Defender's Office (PDR).

12/15/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091446 [Modifying the Membership of the Food Security Task Force]

Sponsor: Maxwell

Ordinance amending the San Francisco Health Code by amending Section 470.1, to modify the membership of the Food Security Task Force and to direct the Task Force to prepare an annual assessment of the state of hunger in San Francisco, and by amending Section 470.2, to extend the term of the Task Force.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010. 12/18/09 - President Chiu waived the 30-day rule.

091447 [Ordinance Levying Special Taxes within Special Tax District No. 2009-1 San Francisco Sustainable Financing]

Sponsors: Mayor; Mar and Dufty

Ordinance to authorize and levy special taxes within City and County of San Francisco Special Tax District 2009-1 (San Francisco Sustainable Financing); authorize the Director of Public Finance to determine the Special Tax Rate and Amount to be levied each fiscal year; to establish the method for the collection of special taxes and other matters necessary or advisable in connection therewith.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091453 [Planning Code Amendment – Green Landscaping Ordinance]

Sponsors: Mayor; Chu and Dufty

Ordinance amending various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for "vehicle use area," "ornamental fencing," and "permeable surface;" amending the Public Works Code Section 805 to create requirements for the establishment of new street trees and replacement of dead street trees; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/14/2010.

091454 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12A]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12A, to be effective July 1, 2009, through June 30, 2012.
(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091455 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12B]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12B, to be effective July 1, 2009, through June 30, 2012.
(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091456 [Accept and Expend Grant - FY 2009 Homeland Security Grant Program and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $2,079,703]

Sponsor: Mayor

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a FY 2009-2010 Homeland Security Grant Program grant in the amount of $2,079,703 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one Class 5277 Planner I grant-funded position (0.50 FTE) at the General Services Agency (GSA- ADM) and one Class 5278 Planner II grant-funded position (0.50 FTE) at the Department of Emergency Management.

12/15/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091458 [Earthquake Safety and Emergency Response General Bond Obligation Bond Election - $652,070,000]

Sponsors: Mayor; Chiu, Avalos, Campos, Dufty and Mirkarimi

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $652,070,000 to finance the rehabilitation of Neighborhood Fire Stations, the Auxiliary Water Supply System and the construction of a Public Safety Building and a Forensic Sciences Center and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by the San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Section 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.
(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091460 [Authorizing the Execution of an Option to Purchase Interests in the Properties Located at 1600 and 1670 Owens Street, San Francisco and Acquire Related Design and Construction Plans]

Sponsor: Mayor

Ordinance approving City's execution of option agreement for purchase of (i) real property located at 1600 Owens Street, San Francisco, California for purpose of construction of new laboratory building for use by the City's Office of the Chief Medical Examiner and the Forensic Science Division, (ii) tenancy-in-common interest in the land and existing parking structure located at 1670 Owens Street San Francisco, California, (iii) rights to use existing permitted base building design and construction documents in connection with City's proposed construction of new laboratory building at 1600 Owens Street, and (iv) acquisition of rights and assumption of obligations under certain existing design and development contracts related to such proposed laboratory building construction; exempting acquisition by City of existing permitted base building design and construction documents and related design or construction contracts from Chapter 6 of City's Administrative Code; adopting findings under the California Environmental Quality Act and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091461 [Payroll Expense Tax; Exclusion for Certain Employers Under the Health Care Security Ordinance]

Sponsors: Mayor; Dufty

Ordinance amending the San Francisco Business and Tax Regulations Code, Payroll Expense Tax Ordinance, by adding Section 906.3 to defray the cost of compliance with the Health Care Security Ordinance for certain employers by making them eligible for the exclusion of up to $133,333 per year in taxable payroll from the calculation of the payroll expense tax.

(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091464 [Early Implementation of Two-Year Budget and Five-Year Financial Plan Requirements]

Sponsors: Mayor; Chiu

Ordinance designating the Port, the Airport, and the Public Utilities Commission for early implementation of the two-year budget requirement under Charter Section 9.100 and the five-year financial plan requirement under Charter Section 9.119.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091465 [Appropriating $1,743,767 of Library Capital Improvements Fund Balance for the Branch Library Improvement Program in the San Francisco Public Library for FY 2009-2010]

Sponsor: Mayor

Ordinance appropriating $1,743,767 of Library Capital Improvements Fund Balance, which consists of interest earnings from General Obligation Bond proceeds sold for the Branch Library Improvement Program and rent income from the Visitacion Valley Public Library, to fund capital projects at the Bayview and Visitacion Valley Library locations as part of the Branch Library Improvement Program in the San Francisco Public Library for FY 2009-2010.

(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091251 [Development Fee Collection Procedure; Administrative Fee]

Sponsor: Mayor

Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the development fees, to require that any in-kind public benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; adopting findings, including environmental findings. (Economic Impact.)

10/27/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/26/2009.

11/03/09; REFERRED TO DEPARTMENT.

11/03/09; SUBSTITUTED.

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/26/2009.

11/23/09; REFERRED TO DEPARTMENT.

11/24/09; RESPONSE RECEIVED.

12/15/09; SUBSTITUTED.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/14/2010.

091275 [Development Impact and In-Lieu Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by creating Article 4 for development impact fees and development impact requirements that authorize the payment of in-lieu fees; by adding Section 402 to provide that all Planning Code development impact and in-lieu fees will be collected by the Department of Building Inspection prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the fees; by requiring that any in-kind public improvements required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project; by moving Planning Code Sections 139, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4 and renumbering and amending the sections; adding introductory sections for standard definitions, payment and collection procedures, conditions of approval, dispute resolution and appeal procedures, waivers, reductions, and refunds, notice, lien procedures, annual Citywide development fee reports and fee adjustments, and development fee evaluations every five years; by providing for an appeal of technical fee calculation issues to the Board of Appeals rather than the Planning Commission; requiring the Controller to issue an annual Citywide Development Fee Report; deleting duplicative code provisions and using consistent definitions, language and organization throughout; adopting findings, including Section 302 and environmental findings; providing that the ordinance's operative date is March 15, 2010; and instructing the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number.

(Economic Impact.)

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/3/2009.

11/18/09; REFERRED TO DEPARTMENT.

12/15/09; SUBSTITUTED.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/14/2010

Resolutions

091428 [Proclaiming December 18, 2009, International Migrants Day]

Sponsors: Avalos; Campos and Mar

Resolution proclaiming December 18, 2009, International Migrants Day.

12/15/09; ADOPTED.

091437 [Contract with Owners' Association for Administration/Management of Greater Union Square Business Improvement District]

Sponsor: Chiu

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Greater Union Square Business Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

12/15/09; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

091439 [Paratransit Broker Agreement - Not to Exceed $118,599,710]
Sponsor: Dufty
Resolution approving a Paratransit Broker Agreement with Veolia Transportation, Inc., in an amount not to exceed $118,599,710 for a five-year term ending June 30, 2015, with an optional five-year extension.
(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091440 [Accept and Expend Grant - Second Chance Act Prisoner Reentry Initiative - $600,000]
Sponsor: Dufty
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Bureau of Justice Assistance in the amount of $600,000 to provide direct services for adult state prisoners and parolees; for the period of October 1, 2009, through September 30, 2010.

12/15/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091442 [Contract to Transfer Airport Police Service, Assets and Liabilities from California Public Employees' Retirement System to San Francisco Employees' Retirement System]
Sponsor: Elsbernd
Resolution approving contract to transfer airport police service and associated assets and liabilities from the California Employees' Retirement System to the San Francisco Employees' Retirement System.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091448 [Resolution Determining Necessity to Incur Bonded Indebtedness - $150,000,000]
Sponsors: Mayor; Mar and Dufty
Resolution determining necessity to incur bonded indebtedness in a maximum principal amount of $150,000,000 within the boundaries of Special Tax District No. 2009-1 (San Francisco Sustainable Financing) and determining other matters in connection therewith.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091449 [Resolution of Formation of Special Tax District No. 2009-1 San Francisco Sustainable Financing]
Sponsors: Mayor; Mar and Dufty
Resolution of formation to establish Special Tax District No. 2009-1 (San Francisco Sustainable Financing), establish boundaries of said special tax district, to describe the facilities to be financed, to establish an appropriations limit and to provide for other matters related thereto.

12/15/09; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

091451 [Resolution Authorizing Sale of Special Tax Bonds - Not to Exceed $10,000,000]
Sponsors: Mayor; Mar and Dufty
Resolution authorizing the issuance and sale of special tax bonds in an aggregate principal amount not to exceed $10,000,000 and approving the form of a Fiscal Agent Agreement, a Purchase Contract and a Security Agreement and authorizing and approving other related actions in connection therewith.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091452 [Approving Administrative Terms and Conditions for San Francisco Sustainable Financing Program]

Sponsors: Mayor; Mar and Dufty

Resolution approving administrative terms and conditions for the San Francisco Sustainable Financing Program; identifying the San Francisco Department of the Environment or its City agency designee as the Program Administrator for the City; setting reporting requirements; authorizing the execution of an administrative services agreement; and related matters.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091457 [Earthquake Safety and Emergency Response General Obligation Bonds - $652,070,000]

Sponsors: Mayor; Chiu, Avalos, Campos, Dufty and Mirkarimi

Resolution determining and declaring that the public interest and necessity demand the rehabilitation of Neighborhood Fire Stations, the Auxiliary Water Supply System and the construction of a Public Safety Building and a Forensic Sciences Center and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $652,070,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.
(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091462 [Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]

Sponsor: Alioto-Pier

Resolution opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

12/15/09; RECEIVED AND ASSIGNED to Board of Supervisors.

091463 [Calling on Congress to Pass Meaningful Healthcare Reform that Promotes a Holistic Approach to Women's Health, Including Access to Reproductive Choice for All and a Robust Public Option]

Sponsor: Daly

Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Senator John D. Rockefeller or Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice.

12/15/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

091466 [Revising the 2010 Board of Supervisors Regular Meeting Schedule]

Motion revising the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, June 1, July 6, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 11 through September 3, 2010 and December 15 through December 31, 2010. (Clerk of the Board)

12/15/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Charter Amendments

091429 [Establishing Film Commission, its Membership, Qualifications, and Powers]

Sponsor: Alioto-Pier

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 5.107 to establish a Film Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

091430 [Allowing the Board of Supervisors to Designate Certain Appropriations as Mandates to Expend the Money Appropriated]

Sponsor: Avalos

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and (2) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

091431 [Setting Minimum 52-Hour Work Week for Firefighters]

Sponsors: Avalos; Daly and Campos

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section A8.452 to: (1) eliminate the 48.7-hour limitation on the work week for uniformed officers and member of the Fire Department, (2) establish a work week of at least 52 hours, on an annualized basis, for uniformed officers and members assigned to fire fighting companies and units, with the minimum 52-hour work week requirement to be effective for any amendment or extension to the current Memorandum of Understanding (MOU) between the City and County of San Francisco (City) and the San Francisco Fire Fighters Union Local 798 (Union) in effect July 1, 2007 through June 30, 2011, and for the successor MOU and each MOU between the City and Union thereafter, and (3) eliminate superseded language regarding holiday schedules and compensation; and by adding Section A8.590-9 to provide that the minimum work week for firefighters assigned to fire fighting companies and units shall be governed by Section A8.452 and not be subject to binding interest arbitration under Charter Section A8.590-5.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

091432 [Zero Tolerance for Firefighters Drinking on Duty]

Sponsor: Daly

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 16.126 to make it unlawful for any uniformed member of the Fire Department to consume an alcoholic beverage while on duty, and making violation grounds for dismissal and a misdemeanor.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

091433 [Reducing Employer Retirement Benefit Costs]

Sponsor: Elsbernd

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.409-5, A8.506, A8.506-2, A8.506-3, A8.510, A8.590-4 and A8.590-5, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: prohibit the City and County from paying any required employee contributions to the San Francisco Employees' Retirement System or the California Public Employees' Retirement System; require the difference between the City and County's contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into either the Retiree Health Care Trust Fund, Retirement System Trust Fund, or both, the allocation to be determined jointly by the Controller, Treasurer and Retirement System Executive Director; establish an employee contribution rate of nine percent for all employees hired after June 8, 2010, who become members of the California Public Employees' Retirement System; require all contracts with CalPERS for persons hired after June 8, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; create a new retirement plan for miscellaneous officers and employees hired after June 8, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and create new retirement plans for safety members hired after June 8, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

091434 [Setting Transit Operator Wages and Benefits Solely Through Collective Bargaining]

Sponsor: Elsbernd

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.104, A8.409-1, A8.409-4 and A8.428 and deleting Section A8.404 of the Charter to eliminate the formula setting a floor for transit operator wages and providing that wages and benefits for transit operators shall be set through collective bargaining and that any impasse in collective bargaining shall be resolved through interest arbitration.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

PROPOSED ORDINANCE

091387 [Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - $141,692.50]

Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for $141,692.50 for attorneys' fees; the lawsuit was filed on November 30, 2004, in San Francisco Superior Court, Case No. 504-780; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco, et al.; other material terms of said settlement are that payment is to be made in two equal installments, one in calendar year 2010, one in calendar year 2011.

12/02/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

There were none.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:32 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 5, 2010.

Angela Calvillo, Clerk of the Board

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